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## Regulations

### TITLE 5—ADMINISTRATIVE PERSONNEL

#### Chapter I—Civil Service Commission PART 18—WAR SERVICE REGULATIONS

By virtue of the authority vested in the United States Civil Service Commission by Executive Order No. 9063 dated February 16, 1942, Executive Order No. 9243 dated September 12, 1942, and Directive No. X, War Manpower Commission, dated September 14, 1942, the following regulations, effective as amended, September 27, 1942, are hereby prescribed as Part 18 of Title 5, Chapter I, Code of Federal Regulations.

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18.1	Examinations.
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**AUTHORITY:** §§ 18.1 to 18.11, inclusive (with the exceptions noted in the text), issued under the authority contained in E.O. No. 9063, February 16, 1942, 7 F.R. 1075.

§ 18.1 *Examinations.* (a) Examinations will be either competitive or noncompetitive in the discretion of the Commission.

(b) Competitive examinations for original appointment will be held at such times and places and in such manner as the needs of the service require. The Commission will accept applications at any time from applicants granted disability preference for examinations for which there are existing lists or lists about to be established and such applicants will be examined as the needs of the service require, but in any case not less than once each six months.

(c) Whenever in the opinion of the Commission it is not practicable to make appointment through competitive examination, appointment may be made through noncompetitive examination.

(d) Whenever the number of applicants for a competitive examination exceeds the anticipated needs of the service, the number of persons admitted to the examination may be limited to a number commensurate with the needs of the service. Whenever the number of applicants is so limited, applicants will be examined in the order of the receipt of their applications.

**NOTE:** This section supersedes Civil Service Rule III, 5 CFR, Part 3, with respect to positions covered by these regulations.

#### § 18.2 *Qualifications of Applicants—*

(a) *Citizenship.* No person shall be admitted to an examination unless he is a citizen of or owes allegiance to the United States. A noncitizen may be appointed through noncompetitive examination provided the Department or Agency desiring his services has specific authority to employ noncitizens.

(b) *Form of application.* Application for examination must be made in such form and manner and accompanied by such certificates as the Commission may prescribe.

(c) *Disqualifications.* An applicant may be denied examination and an eligible may be denied appointment for any of the following reasons: (1) Dismissal from the service for delinquency or misconduct; (2) physical or mental unfitness for the position for which he applies; *Provided,* That the physical requirements may be waived in the case of any person entitled to disability preference; (3) criminal, infamous, dishonest, immoral or notoriously disgraceful conduct; (4) intentional false statements as to any material fact, or deception or fraud in securing examination or appointment; (5) refusal to furnish testimony as required by Civil Service Rule XIV, (5 CFR Part 14); (6) habitual use of intoxicating beverages to excess; (7) a reasonable

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doubt as to his loyalty to the Government of the United States; (8) any legal disqualification for appointment.

Any of the reasons stated in the foregoing subparagraphs from (2) through (8) inclusive, shall also be sufficient cause for removal from the service.

(d) *Age limits.* There will be no maximum age limits except where the appointing officer establishes to the satisfaction of the Commission that the interests of sound administration require such limits for a particular position.

A person retired under the age or optional provision of the Civil Service Retirement Act may be reemployed only in the event the appointing authority determines that he is possessed of special qualifications.

NOTE: This section supersedes Civil Service Rule V, 5 CFR Part 5, with respect to positions covered by these regulations.

§ 18.3 *Rating and Eligibility*—(a) *Rating.* Examination papers shall be rated either "eligible" or "ineligible", except where, in the discretion of the Commission, the assignment of numerical ratings will facilitate the making of placements. Ratings will be based on such subjects as the Commission may prescribe. In examinations where experience is an element of qualifications, time spent in the military or naval service of the United States during the War with Spain, or the World War, or the present war, shall be considered in determining an applicant's eligibility, where the applicant's actual employment in a similar vocation to that for which he applies, was temporarily interrupted by such military or naval service but was resumed after his discharge.

(b) *Notice of rating.* Competitors will be notified in writing of the results of an examination.

(c) *Preference.* Honorably discharged soldiers, sailors and marines shall be entitled to military preference in competitive examinations for War Service appointments to positions in the classified civil service.

The following shall be entitled to disability preference:

(1) Honorably discharged soldiers, sailors and marines who establish by official records, the present existence of a service-connected disability.

(2) Honorably discharged soldiers, sailors and marines who are over 55 years of age and because of disability are entitled to pension or compensation under existing laws.

(3) Widows of honorably discharged soldiers, sailors and marines.

(4) Wives of honorably discharged soldiers, sailors and marines who because of service-connected disability are not qualified for appointment.

(5) Wives of honorably discharged soldiers, sailors and marines who are over 55 years of age and because of disability are not qualified for appointment.

(6) Retired officers and enlisted men who establish through official sources, the present existence of a service-connected disability.

(d) *Eligible lists.* The names of all competitors rated eligible will be entered on appropriate lists as eligibles for appointment. In situations where the demand for qualified eligibles exceeds the supply the Commission may rate competitors "eligible" or "ineligible." In instances where the supply of eligibles exceeds the demand the Commission shall assign numerical ratings to competitors.

(1) Upon lists where eligibles are not listed or subdivided according to numerical ratings, the order of listing shall be as follows: (i) All eligibles granted disability preference, (ii) All eligibles granted military preference, (iii) All other eligibles.

(2) Upon lists on which eligibles are assigned numerical ratings, ten points shall be added to the rating of each eligible granted disability preference, and five points shall be added to the rating of each eligible granted military preference. Upon such lists the order of listing shall be as follows: (i) All eligibles granted disability preference in order of their ratings, (ii) All other eligible in order of their ratings as augmented by preference granted, if any.

(3) The order of listing provided for in this section shall, for lists established for the departmental service, be subject to the provisions of paragraph (c) of § 18.4 hereof relating to the apportionment of appointments among the States and Territories.

(e) *Term of eligibility.* Eligibility on any list shall continue until terminated by the Commission for all eligibles on the list.

NOTE: This section supersedes Civil Service Rule VI, 5 CFR Part 6, with respect to positions covered by these regulations.

#### § 18.4 *Recruitment and Placement*—

(a) *Procedure in filling vacancies.* In conformity with the over-all labor supply policies of the Federal government which have been established in view of the comparatively small number of qualified persons now available for appointment to many positions, and in order to avoid competitive recruitment programs on the part of the agencies of the Federal government, the following procedures in the filling of vacancies must be observed:

(1) Each department and agency shall report to the Commission its estimated future needs for personnel, both in Washington and in the field in such form and

at such intervals as the Commission may prescribe.

(2) As soon as the need for filling positions becomes apparent, the department or agency concerned must place a requisition for personnel with the Commission.

(3) The Commission shall, in consultation with the department or agency concerned, work out a recruiting program for filling the positions involved. This recruiting program shall be of such a nature that full utilization is made by the Commission of any recruiting resources available to the department or agency concerned.

(4) Upon the receipt of a request for names of qualified persons the Commission will supply an adequate number from the head of appropriate lists of eligibles.

(5) The Commission may, upon agreement with the department or agency concerned, recruit persons directly for the filling of specific vacancies.

(6) No recruiting activities for the filling of vacancies shall be carried on except with the prior approval of the Commission and under its direction.

(b) *Sex.* Requisitions for personnel shall be filled without regard to sex unless sex desired is specified by the appointing officer.

(c) *Apportionment.* In filling requisitions for appointment in the departmental service of the departments or independent offices procedures shall be followed which will maintain, as nearly as the conditions of good administration warrant, the apportionment of appointments among the several States and Territories and the District of Columbia upon the basis of population, but the names of eligibles who have been granted military preference shall be supplied without regard to apportionment: *Provided*, That appointments to the following positions shall not be so apportioned:

(1) In all departments and offices: All positions for which the entrance salary is \$1440 or less per annum and all positions of telephone operators, artisan positions in a recognized trade, craft, or skilled (manual) occupation, helpers and apprentices in such occupations, and other subordinate employees, including laborers, in manual occupations and including foremen of laborers, and other foremen and supervisory artisan positions the incumbents of which are required, in the performance of their duties, to have knowledge of the trades, crafts, or skilled occupations.

(2) In the Government Printing Office, mail equipment shops, local offices in the District of Columbia, field service of the military staff departments and at Army headquarters: All positions.

(d) *Selection.* The nominating or appointing officer shall, with sole reference to merit and fitness, make selections for appointment from the names of eligibles furnished by the Commission unless better qualified persons for the position in question could be obtained by the Commission by presenting for consideration other names on the list of eligibles or by going outside the list entirely. An appointing officer who passes over an eligible granted disability preference or mil-

itary preference and selects a person not granted such preference shall file with the Commission a statement setting forth in detail his reasons for so doing which reasons shall not be made available to the veteran or to anyone else except in the discretion of the appointing officer.

(e) *Minimum period of service required.* Every person to whom an offer of appointment is made shall be advised at that time by the appointing officer that if his services are found satisfactory he will be expected to serve a minimum period of six months, and that any resignation during such period will be accepted with prejudice unless in the judgment of the appointing officer the reasons for the resignation warrant acceptance of the resignation without prejudice.

*NOTE:* This section supersedes Civil Service Rule VII, 5 CFR Part 7, with respect to positions covered by these regulations.

§ 18.5 *Appointment.*—(a) *Notification of eligibles.* An eligible selected for appointment shall be duly notified in writing by the appointing officer.

(b) *Status of appointees.* Persons appointed under these regulations will not thereby acquire a classified (competitive) civil service status. Unless otherwise specifically limited such appointments may be for the duration of the present war and for six months thereafter.

(c) *Trial period.* Except for persons appointed for a specific period of one year or less, the first full year of service shall be a trial period, satisfactory completion of which shall be considered part of the entrance examination. If and when, after a full and fair trial during this period, the conduct or capacity of the trial appointee be not satisfactory to the appointing officer, the appointee may at any time thereafter during the trial period be so notified in writing and such notice shall terminate his service.

(d) *Emergency appointment without examination.* (1) In cases of extreme emergency, where positions must be filled without delay, and where time does not permit the securing of prior authority, emergency appointments for not to exceed thirty days may be made without examination and without specific authority of the Commission. This authority shall not apply to positions in Washington, D. C., or to positions in cities which are civil service District headquarters. Such appointments may not be extended beyond the thirty-day period without the express prior approval of the Commission.

(2) Notwithstanding the provisions of this section, all existing special agreements between the Commission and any department or agency are continued in effect until further notice except that such appointments will be made initially under Executive Order No. 9063. Approval of the Commission or the District Manager or his representative must be obtained for continuation of such appointments beyond the period authorized by such agreements.

(3) Except as provided in subparagraphs (1) and (2) of this paragraph, appointment without examination may be made only with the express prior approval of the Commission.

*NOTE:* This section supersedes Civil Service Rules VII and VIII, 5 CFR parts 7 and 8, with respect to positions covered by these regulations.

§ 18.6 *Promotion.* Employees appointed under the provisions of these regulations may be promoted within the same department or agency in the same manner and under the same procedures and standards as employees having a classified civil-service status, but shall not thereby acquire a classified (competitive) civil-service status.

*NOTE:* For regulations relating to promotion of employees having a classified civil service status, see 5 CFR Part 11.

§ 18.7 *Removal.* The provisions of Civil Service Rule XII (5 CFR Part 12) shall apply to all persons appointed under the provisions of these regulations except (a) those appointed for periods specifically limited to one year or less, (b) those serving the trial period provided for in paragraph (c) of § 18.5, and (c) those appointed subject to a condition imposed by the Commission which has not been complied with.

§ 18.8 *Reappointment and reinstatement.* Subject to the prior approval of the Commission, a former civilian employee of the executive branch of the Federal government may be reinstated (or reappointed) by war service appointment to any position which is covered by these regulations and for which he establishes the requisite qualifications. Such reinstatement must be for actual service and not primarily for the purpose of bringing the person within the provisions of the Civil Service Retirement Act, as amended.

*NOTE:* This section supersedes Civil Service Rule IX, 5 CFR Part 9, with respect to positions covered by these regulations.

§ 18.9 *Transfer.*—(a) *Transfers in interests of war program.* In determining whether an employee can make a more effective contribution to the war program in some other Government position, or in a position in private enterprise, for the purpose of this section the Commission will base its findings upon:

(1) the extent to which the skills, abilities, training, and experience of the employee are required and will be utilized by the departments, agencies, activities or private enterprise concerned; and

(2) the relative importance to the war program of the government activities in which the employee has been employed and to which he will be transferred, as indicated by, among other considerations, priority classifications established by the Director of the Bureau of the Budget pursuant to Executive Order No. 9243; and

(3) the relative importance to the war program of the government activity in which the employee has been employed and of the private enterprise to which he will be transferred, as indicated by priority classifications established by the Director of the Bureau of the Budget pursuant to Executive Order No. 9243 and by such policies and directives as the Chairman of the War Manpower Commission may prescribe.

(b) *Inter-agency transfers.* (1) Whenever the Commission shall find that

an employee will make a more effective contribution to the war program in a position in some other agency or activity, transfer will be authorized by the Commission under Directive No. X of the War Manpower Commission (effective September 27, 1942). Such transfer shall be authorized subject to the following conditions:

(i) The employee transferred shall be entitled to the re-employment benefits set forth in paragraph (e) of this section.

(ii) The consent of the employee shall not be required, but any employee whose transfer is to be directed without his consent shall be afforded such period of time as the War Transfer Unit of the Central Office of the Commission or the War Transfer Unit of a Regional Office, as the case may be, may specify to present in writing reasons and evidence that the proposed transfer is inequitable or will impose upon him an undue hardship. The employee's statement will be considered by the War Transfer Unit in the Central Office or in a Regional Office, as the case may be, and if it is decided to direct the transfer, the employee shall be so notified and afforded a reasonable period of time to file an appeal.

Upon receipt of an appeal from the employee, there will be designated by the Legal Advisor of the Commission (or, in cases involving employees in the field service, by the Regional Director) a committee consisting of an employee representative and an administrative or supervisory official of a Government department or agency not involved in the proposed transfer to consider the employee's statement and such other evidence as it may consider pertinent, and to report to the Commission's Legal Advisor, or the Regional Director, as the case may be, its findings as to whether the proposed transfer is inequitable or will impose an undue hardship upon the employee. Final decision as to whether the proposed transfer shall be ordered will be made by the Commission's Legal Advisor, or the Regional Director, as the case may be: *Provided*, That whenever the Legal Advisor or the Regional Director does not agree with the findings of the Committee, the case shall be forwarded to the Commission for final decision. If the special committee is unable to agree on a finding, the Legal Advisor or the Regional Director, as the case may be, shall forward the case to the Commission for final decision with his recommendation.

(iii) No employee shall, without his consent, be transferred to a position at a lower salary than he is receiving at the time transfer is initiated, nor shall any employee, without his consent, be transferred to a position beyond reasonable commuting distance from his home unless the department or agency concerned shall reimburse the employee for the cost of transporting himself, his immediate family, and his household goods in accordance with Government regulations.

(iv) The consent of the agency in which the employee is serving shall not be required, but such agency shall be notified by the Commission and allowed such period of time as the Commission shall specify to present evidence that its work will be jeopardized by the loss of the

employee's services and as to the extent to which the employee's skills, abilities, training, and experience are being and will be utilized in connection with the war program or essential supporting activities in such department or agency. The Commission will consider this, and all other relevant evidence, and unless a decision to the contrary is reached by the Commission, the transfer shall become effective within ten days of the original notification. In the event that the Commission finds that the agency's work will be jeopardized by an immediate transfer of the employee, the transfer shall become effective on such date as the Commission may specify.

(v) An employee desiring to apply for transfer shall file his application with the Civil Service Commission, and the department or agency concerned shall not receive applications for transfer from such employees.

(vi) The Commission may, of its own motion, initiate action to effect transfers under this subsection.

(2) In cases in which the Commission does not make the affirmative finding that the employee will make a more effective contribution to the war program, as defined in paragraph (a) of this section, in the position to which transfer is proposed, transfer may be authorized by the Commission under Executive Order No. 9063 dated February 16, 1942: *Provided*, That in the judgment of the Commission, the transfer is not contrary to the best interests of the war program or contrary to the most effective methods of filling the Federal Government's requirements for manpower in the civilian service or in conflict with the policies or directives of the War Manpower Commission. Such transfers shall be subject to the following conditions:

(i) That the department or agency in which the employee is serving does not object to the proposed transfer. In the event of such objection, the Commission will consider such information and evidence as may be submitted by the department and make a final decision as to whether the transfer shall be authorized.

(ii) That an employee transferred under this subsection shall not be entitled to the reemployment benefits set forth in paragraph (e) of this section.

(c) *Intra-agency transfers.* The transfer of any employee from one activity or office to another activity or office within the same department or agency may be effected by the head of the department or agency without the prior approval of the Commission, subject to the following conditions:

(1) An employee transferred under this paragraph shall be entitled to the reemployment benefits set forth in paragraph (e) of this section whenever the head of the agency concerned shall find that the skills and qualifications possessed by the employee can be better utilized in the position to which he is transferred, and that the employee can thus make a more effective contribution to the war program. All transfers under this paragraph involving reemployment benefits shall be reported to the Commission within one week after the effective date of the transfer.

(2) All other transfers within a department or agency shall be made and reported to the Commission as heretofore.

(3) The Commission may, of its own motion, initiate action to effect such transfers.

(d) *Transfers to private enterprise.* The release of any employee from any department or agency for employment in a private enterprise will be authorized by the Commission under Directive No. X of the War Manpower Commission (effective September 27, 1942) whenever the Commission shall find that such employee is qualified to perform work in a critical war occupation (as defined in the Essential Activities and Essential Occupations Directive of the War Manpower Commission, 7 F.R. 4748) and can make a more effective contribution to the war effort in an essential activity carried on by a private enterprise, subject to the following conditions:

(1) An employee released under this paragraph shall be entitled to the reemployment benefits set forth in paragraph (e) of this section.

(2) The consent of the employee shall be required for releases under this paragraph.

(3) An employee whose release has been authorized under this paragraph shall be carried in a leave-without-pay status in his Federal position for the period of his employment with the private enterprise, but not to extend beyond six months after the end of the war.

(4) The consent of the agency in which the employee is serving shall not be required for releases under this paragraph but such agency shall be notified by the Commission and allowed such period of time as the Commission shall specify to present evidence that its work will be jeopardized by the loss of the employee's services and as to the extent to which the employee's skills, abilities, training, and experience are being and will be utilized in such department or agency. The Commission will consider this, and all other relevant evidence, and unless a decision to the contrary is reached by the Commission, the release shall become effective within ten days of the original notification. In the event that the Commission finds that the agency's work will be jeopardized by an immediate release of the employee, the release shall become effective on such date as the Commission may specify.

(5) Action to effect the release of individual employees under this paragraph may be initiated by the employee, the department or agency in which he is employed, the private enterprise concerned, the United States Employment Service, or the Civil Service Commission.

(e) *Reemployment benefits.* (1) Any person, except one holding a temporary position, transferred under this section under such conditions as to entitle him to reemployment benefits, whose services are subsequently terminated without prejudice, shall be entitled to the rights specified below, provided he is still qualified to perform the duties of his position and that he makes application for reinstatement within forty days after the termination of his services, but in no event

later than six months after the end of the war:

(i) If transferred to another Federal department or agency, he shall be entitled to thirty days' notice from the department or agency to which he has been transferred, prior to the termination of his services with such department or agency, unless such termination is for cause.

(ii) He shall be reinstated within thirty days of his application in the same department or agency and to the maximum extent practicable, in the same locality, in his former position, or in a position of like seniority, status, and pay, in such manner, to the extent consistent with law, that he does not lose any of the rights or benefits to which he would have been entitled had he not been transferred or released: *Provided*, That such a position then exists.

(iii) If such a position, or if the agency or activity in which he was employed, is no longer in existence and such person therefore cannot be reinstated, his name shall be entered on the Reemployment List established pursuant to Executive Order No. 5924 dated September 20, 1932, to be considered for certification, ahead of all other lists maintained by the Civil Service Commission, to positions elsewhere in the Government service for which he is eligible by reason of his civil service status and qualifications.

(2) In the event of the transfer of any employee under a series of transfers, all of which are under such conditions as to entitle him to the reemployment benefits provided in this section, such reemployment benefits shall continue to be applicable to the agency from which the employee was originally transferred.

(3) A person initially appointed for the duration of the war who receives a transfer or release under these regulations for the duration of the war, under such conditions as to entitle him to reemployment benefits, will not be required to be reemployed at the cessation of the war in the department or agency in which he was originally employed in view of the fact that his position would no longer exist and in view of the fact that no position of like status would exist. Such person will, however, be entitled to have his name entered on the Reemployment List as provided in this paragraph.

(4) Whenever the filling of any position by promotion from within for an indefinite period is being considered by any department or agency, employees who have been transferred or released under conditions which entitle them to reemployment benefits in such department or agency shall be given the same consideration they would have received had they not been transferred or released, and may be selected for such promotion. In the event of such selection, if such employee is not authorized to return to the position to which promotion was made, the position in question shall be filled only for the duration of such employee's reemployment rights under paragraph (e) of this section, and such reemployment

rights shall be applicable to the position to which promotion was made.

(f) *Examinations.* No employee appointed without competitive or noncompetitive examination may be transferred without qualifying in such appropriate noncompetitive examinations as the Commission may prescribe, except employees who are subject to Title I of the Act of November 26, 1940, or any statute or Executive Order providing for the acquisition of a classified civil service status. Whenever a transfer involves also a promotion or change in status, the provisions of these regulations regarding promotions and changes in status shall be applicable to such transfers.

(g) *Apportionment.* The provisions of § 18.4 (c) of this chapter relating to the apportionment of positions among the several states shall not be applicable to transfers under this section, and such transfers shall not be charged to the quota of any State under such apportionment.

(h) *Status of employees.* In all transfers under this section, the employee shall retain for all intents and purposes under the civil service laws and rules the same civil service status which he had in the agency from which he was originally transferred.

(i) *Reports.* Each department and agency shall report to the Civil Service Commission such information as the Commission may require for the effectuation of Directive No. X of the War Manpower Commission in such form and at such intervals as the Commission may prescribe.

(j) *Post Office Department, field service.* This section shall not apply to transfers to or between positions in the field service of the Post Office Department, which shall continue to be effected under existing rules and regulations, but shall apply to the transfer of employees from the field service of the Post Office Department to positions in other departments or agencies of the executive branch of the Government. (E.O. No. 9243 dated September 12, 1942, 7 F.R. 7213; Directive No. X, War Manpower Commission, dated September 14, 1942, 7 F.R. 7298).

NOTE: This section supersedes Civil Service Rule X, 5 CFR Part 10, with respect to positions covered by these regulations.

§ 18.10 *Release from Government employment—(a) Repeal of existing regulations.* In all original appointments, transfers, reinstatements, and reemployment under any authority whatsoever, the provisions of this Section shall govern release from Government employment, and all provisions of existing regulations inconsistent with this Section are suspended and made inoperative.

(b) *Contacts or requests for the transfer of employees.* No request for the transfer or release of any civilian employee in any department or agency of the executive branch of the Federal Government shall be made by another such department or agency except through the

Commission, and no civilian employee of any such department or agency shall be released for transfer to another such department or agency except upon request of the Commission.

(c) *Consent to compete in examinations.* No consent will be required from any Government department or agency to permit any employee of the Government, or any former employee, to compete in any civil service examination.

(d) *Consent for reappointment, reinstatement, and reemployment.* No department or agency will effect the transfer or the appointment, reappointment, reinstatement, or reemployment within ninety days of separation from the service of any employee, or former employee, as the case may be, of another department or agency without the express prior approval of the Commission.

(e) *Employment of short-term employees.* A person who is serving or who last served under an appointment limited to six months or less shall not be required to secure the consent of any Government department or agency in order to be appointed, reappointed, transferred, reinstated, or reemployed in any other Government department or agency for a period to extend for the duration of the war and six months thereafter. (E.O. No. 9243 dated September 12, 1942, 7 F.R. 7213; Directive No. X, War Manpower Commission dated September 14, 1942, 7 F.R. 7298).

§ 18.11 *Extent of Regulations.* (a) The foregoing regulations shall supersede Civil Service Rules III, V, VI, VII, VIII, IX, X (5 CFR Parts 3, 5, 6, 7, 8, 9, 10), and all provisions of joint regulations inconsistent with these regulations, for all positions except:

(1) Positions in the field service of the postal establishment (except as provided in § 18.10 (j) of this chapter);

(2) Positions other than those filled by civilian employees of the forces in the Police Department and the Fire Department of the municipal government of the District of Columbia;

(3) Positions of policeman in the United States Park Police force of the Interior Department;

(4) Deputy collectors of internal revenue;

(5) Deputy United States Marshals.

(b) Nothing in these regulations shall be construed to affect any existing or future regulations promulgated by the Board of Legal Examiners pursuant to Executive Order No. 8743 dated April 23, 1941. (E.O. No. 9063 dated February 16, 1942, 7 F.R. 1075; E.O. No. 9243 dated September 12, 1942, 7 F.R. 7213; Directive No. X, War Manpower Commission dated September 14, 1942, 7 F.R. 7298).

By the United States Civil Service Commission.

H. B. MITCHELL,  
President.

SEPTEMBER 26, 1942.

[F. R. Doc. 42-3871; Filed, September 29, 1942; 10:54 a. m.]



**TITLE 30—MINERAL RESOURCES**  
**Chapter III—Bituminous Coal Division**  
 [Docket No. A-1272]  
**PART 326—MINIMUM PRICE SCHEDULE, DISTRICT No. 6**

**ORDER GRANTING RELIEF**

Order granting permanent relief in the matter of the petition of District Board No. 6, for the establishment of price classifications and minimum prices for the coals of Rivercoal Mine, Mine Index No. 29, of Rivercoal, Inc., in District No. 6.

A petition having been filed with the

Bituminous Coal Division on January 16, 1942, and an amended petition having been filed on May 20, 1942, by District Board 6, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, requesting the classification and pricing of the coals produced by the Rivercoal Mine, Mine Index No. 29, of Rivercoal, Inc. for all shipments except ex-river.

A hearing having been held in this matter, pursuant to appropriate orders, on August 11, 1942, before Travis Williams, a duly designated Examiner of the Division, at a hearing room thereof in Washington, D. C. at which interested persons were afforded an opportunity to

be present, adduce evidence, cross-examine witnesses, and otherwise be heard; The Bituminous Coal Consumers' Counsel, who had previously filed a Notice of Appearance, appeared at the hearing; the petitioner appeared and submitted proof in support of its petition; The parties having waived the preparation and filing of a Report by the Examiner, and the record in this proceeding having thereupon been submitted to the undersigned;

The undersigned having made Findings of Fact and Conclusions of Law and having rendered an Opinion in this matter which are filed herewith;

Now, therefore, it is ordered, That effective fifteen (15) days from the date hereof § 326.5 (Alphabetical list of code members) is amended by adding thereto Supplement R-I, § 326.6 (Numerical list of mines) is amended by adding thereto Supplement R-II, and § 326.23 (General prices; for shipment into all market areas) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

Dated: September 17, 1942.

[SEAL]

DAN H. WHEELER,  
 Acting Director.

**TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 6**

NOTE: The material in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 326, Minimum Price Schedule for District No. 6 and supplements thereto.

**FOR ALL SHIPMENTS EXCEPT TRUCK AND EX-RIVER**

**§ 326.5 Alphabetical list of code members—Supplement R-I**

[Alphabetical list of code members having railway loading facilities, showing price classification by size group numbers]

Mine Index No.	Code member	Mine name	Sub-district No.	Seam	Type	Shipping points in W. Va.	Railroad	Freight origin group No.	Price classifications by size group No.											
									1	2	3	4	5	6	7	8	9	10	11	12
29	Rivercoal, Inc. c/o Everett Drennen.	Rivercoal, Inc.	-----	Pgh. 8	Strip	Moundsville, W. Va.	B&O	20	0	0	0	0	0	0	0	0	0	-----	-----	0

**§ 326.6 Numerical list of code mines—Supplement R-II.** Refer to § 326.6 of Price Schedule No. 1 of the Schedule of Effective Minimum Prices for District No. 6. Add the following:

Mine Index No.	Mine name	Code member	Freight origin group No.	Railroad
29	Rivercoal, Inc.	Rivercoal, Inc., c/o Everett Drennen	20	B&O.

Prices for all Mine Index Numbers except 7, 20, 24, and 29 shown in § 326.7, § 326.8 (a), § 326.8 (b), § 326.8 (c), § 326.8 (d) and § 326.8 (e), of Price Schedule No. 1 of the Schedule of Effective Minimum Prices apply to Mine Index Number 29.

**FOR TRUCK SHIPMENTS**

**§ 326.23 General prices; for shipment into all market areas—Supplement T**

[Prices in cents per net ton for shipment into all market areas]

Code member	Mine	Mine Index No.	Type	Seam	Base sizes							
Rivercoal, Inc., c/o Everett Drennen.	Rivercoal, Inc.	29	Strip	Pgh. 8	6" lump	3"-4"-8" lump	2" lump	2" x 4" egg	1 1/4" lump, 1 1/4" x 4" egg	Mine run, nut and pea	2" x 0 slack	3/4" x 0 slack
					1	2	3	4	5	6	7	8
					235	275	260	235	230	220	200	190

[F. R. Doc. 42-9637; Filed, September 28, 1942; 11:22 a. m.]

[Docket No. A-1629]

PART 329—MINIMUM PRICE SCHEDULE,  
DISTRICT NO. 9

## ORDER GRANTING RELIEF, ETC.

Order granting temporary relief and conditionally providing for final relief in the matter of the petition of District Board No. 9 for the establishment of price classifications and minimum prices for the coals of the Powderly Mine.

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of the Powderly Mine (Mine Index No. 1039) in District No. 9 for rail shipment; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

*It is ordered*, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 329.5 (*Alphabetical list of code members*) is amended by adding thereto Supplement R, which hereby made a part hereof.

*It is further ordered*, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

*It is further ordered*, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless it shall otherwise be ordered.

Dated: September 22, 1942.

[SEAL]

DAN H. WHEELER,  
Acting Director.

this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of the Williams and Cannon Mine (Mine Index No. 1596) in District No. 10 for truck shipment; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

*It is ordered*, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 330.25 (*General prices in cents per net ton for shipment into all market areas*) is amended

## TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 10

NOTE: The material contained in this supplement is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 330, Minimum Price Schedule for District No. 10 and supplements thereto.

## FOR TRUCK SHIPMENTS

§ 330.25 General prices in cents per net ton for shipment into all market areas—  
Supplement T

Coda member index	MINE	Prices and also group Nos.														
		1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
SECTION NO. 4, REGIONAL COUNTRY	Williams & Cannon (John W. Cannon).	1039	1040	1041	1042	1043	1044	1045	1046	1047	1048	1049	1050	1051	1052	1053

[F. R. Dec. 42-9630; Filed, September 28, 1942; 11:23 a. m.]

[Docket No. A-1629]

PART 329—MINIMUM PRICE SCHEDULE,  
DISTRICT NO. 9

## ORDER GRANTING RELIEF, ETC.

Order granting temporary relief and conditionally providing for final relief in the matter of the petition of District Board No. 9 for the establishment of price classifications and minimum prices for the coals of the Powderly Mine.

## ORDER GRANTING RELIEF, ETC.

Order granting temporary relief and conditionally providing for final relief in the matter of the petition of District Board No. 9 for the establishment of price classifications and minimum prices for the coals of the Powderly Mine.

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 11 for truck shipments; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

ORDER GRANTING RELIEF  
Order granting temporary relief and conditionally providing for final relief in the matter of the petition of District Board No. 11 for the establishment of price classifications and minimum prices for the coals of certain mines in District No. 11.

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 11 for truck shipments; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

## FOR ALL SHIPMENTS EXCEPT TRUCK

## § 330.5 Alphabetical list of code members—Supplement R

Mine index No.	Producer	Mine	Freight origin group	Shipping point	Railroad
1039	Greenville Coal Company	Powderly	0	10	Powderly

The a. b. c. mine prices for coal shipped by Mine Index No. 1039, to any market area in also group 15 only and for any use, including Railroad locomotive fuel, is the same as the prices shown for also group 15 for Beech Creek Coal Company, Beech Creek Mine, Mine Index No. 1, in Price Schedule No. 1 for District No. 9, for All Shipments Except Truck.

[F. R. Dec. 42-9630; Filed, September 28, 1942; 11:23 a. m.]

## [Docket No. A-1638]

PART 330—MINIMUM PRICE SCHEDULE,  
DISTRICT NO. 10

## ORDER GRANTING RELIEF, ETC.

Order granting temporary relief and conditionally providing for final relief in the matter of the petition of District Board No. 10 for the establishment of price classifications and minimum prices for the coals of the Williams and Cannon Mine.

## ORDER GRANTING RELIEF

Order granting temporary relief and conditionally providing for final relief in the matter of the petition of District Board No. 11 for the establishment of price classifications and minimum prices for the coals of certain mines in District No. 11.

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 11 for truck shipments; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

*It is ordered* That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith § 331.24 (*General prices in cents per net ton for shipment into all market areas*) is amended by adding thereto Supplement T, which supplement is hereinafter set forth and hereby made a part hereof.

*It is further ordered* That pleadings in opposition to the original petition in the

above-entitled matter and application to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

*It is further ordered*, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless it shall otherwise be ordered.

Dated: September 16, 1942.

[SEAL]

DAN H. WHEELER,  
Acting Director.

disposition of rubber footwear and to permit such acquisition, sale, transfer, delivery, or other disposition pursuant to regulations promulgated by the Office of Price Administration.

(b) As used in this supplementary directive, the term "rubber footwear" means all types of protective waterproof or snow and water repellent foot or shoe covering manufactured under any process which joins the sole and upper in a single unit manufactured wholly or in part of latex, crude rubber, reclaimed rubber, scrap rubber or synthetic rubber and generally classified as belonging to the kind of rubber footwear of such types as boots, hunting and farming pacs, mining shoes and pacs, lumbermen's overs and shells, heavy and light all rubber or rubber and cloth arctics and gaiters, heavy foot or shoe rubbers including buckle types, dress rubbers, clogs and footholds (toe rubbers) and all types of snap and automatic fastener gaiters or galoshes, and the so-called carriage and utility boots; and includes such footwear whether new, used, seconds or rejects.

(E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; E.O. 9125, Apr. 7, 1942, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Law 89, 77th Cong., and by Pub. Law 507, 77th Cong.; W.P.B. Dir. No. 1, Jan. 24, 1942, 7 F.R. 562; W.P.B. Reg. No. 1, as amended July 9, 1942, 7 F.R. 5395.)

Issued this 29th day of September 1942.

ERNEST KANZLER,  
Director General for Operations.

[F. R. Doc. 42-9675; Filed, September 29, 1942; 11:24 a. m.]

Subchapter B—Director General for Operations  
PART 1108—REPAIR, MAINTENANCE, AND OPERATION OF PLANTS PROCESSING OF PRODUCING DAIRY PRODUCTS

[Amendment 3 to Preference Rating Order P-118]

Paragraph (m), as previously amended, of § 1108.1<sup>1</sup> (Preference Rating Order P-118), is further amended by deleting therefrom the date "September 30" and substituting therefor the date "December 31".

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 29th day of September 1942.

ERNEST KANZLER,  
Director General for Operations.

[F. R. Doc. 42-9676; Filed, September 29, 1942; 11:24 p. m.]

PART 1222—EXPORTS UNDER LICENSES ISSUED BY THE BOARD OF ECONOMIC WARFARE

[General Exports Order M-148, as amended September 23, 1942, effective October 1, 1942]

<sup>1</sup> 7 F.R. 2937, 3078, 4840, 6467.

#### TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT No. 11

NOTE: The material contained in this supplement is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 331, Minimum Price Schedule for District No. 11 and supplements thereto.

#### FOR TRUCK SHIPMENTS

#### § 331.24 General prices in cents per net ton for shipment into all market areas—Supplement T

Code member index	Mine index No.	Mine	Seam	Prices and size group Nos.													
				1	2	3	4	5	6	7	8	9	10, 11, 12	13	14	15	16
CLAY COUNTY																	
Smith, C. R.	1347	Oak Leaf Rib	5	250	245	240	230	225	220	180	185	175	170	150	140	85	55
CLAY AND SULLIVAN COUNTIES																	
Smith, C. R.	1349	Alum Cave Rib	5	250	245	240	230	225	220	180	185	170	165	135	125	70	40
DUBOIS COUNTY																	
Stetter, Ben E.	1339	Stetter	5	250	245	240	230	225	220	180	185	175	170	150	140	85	55
GREENE COUNTY																	
Letsinger & Presser (Green P. Letsinger).	1350	Letsinger #2	5	250	245	240	230	225	220	180	185	175	170	150	140	85	55
OWEN COUNTY																	
Slough, John M. & William Foulk (John M. Slough).	1343	Foulk	B	310	285	265	255	250	245	215	215	195	185	155	145	80	50
SPENCER COUNTY																	
Gentry, George	1338	Wm. Bolin No. 2	5	250	245	240	230	225	220	180	185	175	170	150	140	85	55
Scheler, Virgil	1346	Virgil Scheler	5	250	245	240	230	225	220	180	185	175	170	150	140	85	55
SULLIVAN COUNTY																	
Goble, Gorbby & Woodruff (Everett Gorbby).	1344	Wish	7	250	245	240	230	225	220	180	185	170	165	135	125	70	40
Smith, C. R.	1348	Kingkol Rib	5	250	245	240	230	225	220	180	185	170	165	135	125	70	40

[F. R. Doc. 42-9638; Filed, September 28, 1942; 11:22 a. m.]

#### TITLE 32—NATIONAL DEFENSE

#### Chapter IX—War Production Board

#### Subchapter A—General Provisions

#### PART 903—DELEGATION OF AUTHORITY

#### [Supplementary Directive 1-N]

§ 903.16 *Further delegation of authority to the Office of Price Administration with reference to the rationing of rubber footwear.* (a) In order to permit the efficient rationing of rubber footwear, the authority delegated to the Of-

<sup>1</sup> See also Ration Order 6 of the Office of Price Administration, *infra*.

fice of Price Administration in § 903.1, Directive No. 1,<sup>2</sup> is hereby extended to include the following:

(1) The exercise of rationing control over the sale, transfer, delivery, or other disposition of rubber footwear by any person to any other person and over the acquisition of rubber footwear by any person except those specified in subparagraphs (1) and (2) of paragraph (a) of said Directive No. 1.

(2) The authority to prohibit the acquisition, sale, transfer, delivery, or other

<sup>2</sup> 7 F.R. 562.



Part 1222—Exports of Critical Material, is hereby amended to read "Part 1222—Exports under Licenses Issued by the Board of Economic Warfare."

Section 1222.1 *General Exports Order M-148*<sup>1</sup> is hereby amended to read as follows:

§ 1222.1 *General Exports Order M-148*—(a) *Requirement of delivery for export.* Any person receiving, from the holder of an export license issued by the Board of Economic Warfare, a purchase order for material covered by such license, to which a preference rating has been assigned by the Board of Economic Warfare, shall accept such order and make delivery thereunder in accordance with such rating, unless such order would be in excess of any export quota relating to such material previously established for such person by the Director General for Operations. Such delivery shall be made regardless of any order of the Director General for Operations restricting inventories of material or uses thereof in manufacture or otherwise, or requiring certificates with respect to such inventories or uses, insofar as such inventories are maintained or such uses occur in the country to which such material is to be exported, but shall be subject to such restrictions with respect to inventories maintained or uses occurring within the United States prior to export. Such preference ratings shall be assigned by the Board of Economic Warfare only pursuant to specific authority granted, from time to time, by the Director General for Operations with respect to specified quantities of material.

(b) *Reports.* Any person accepting a purchase order to which a preference rating has been assigned by the Board of Economic Warfare shall promptly send to the War Production Board, Washington, D. C., Ref: M-148, a copy of the purchase order, bearing thereon the export license number and the United States Department of Commerce Export Classification Code Schedule B and F Number. Such further and other reports shall also be made by any person operating under this order as may be required from time to time by the Director General for Operations.

(c) *Violations.* Any person who wilfully violates any provision of this order or who wilfully furnishes false information to the Director General for Operations in connection with this order is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of or from processing or using material under priority control and may be deprived of priorities assistance by the Director General for Operations.

(d) *Application or extension or rating.* Notwithstanding the provisions of Priorities Regulation No. 3, a rating assigned by the Board of Economic Warfare may be applied, by the holder of the export license for the material ordered, only by

endorsing on, or attaching to, the contract or purchase order to which the rating is to be applied, a certification in substantially the following form signed manually or as provided in Priorities Regulation No. 7 (§ 944.27) by an official duly authorized for such purpose:

The undersigned hereby represents to the seller and the War Production Board that he is entitled to apply the preference ratings indicated opposite the items shown on this purchase order, pursuant to an assignment thereof by the Board of Economic Warfare upon Export License Number \_\_\_\_\_, and that this purchase order is subject to the provisions of General Exports Order No. M-148. This material is to be charged to the period: \_\_\_\_\_ to \_\_\_\_\_.

(Name)

(Address)

(Date)

By \_\_\_\_\_  
(Signature and title of duly authorized officer)

Any extension of any such rating shall be pursuant to the provisions of Priorities Regulation No. 3.

(e) *Applicability of priorities regulations.* This order and all transactions affected thereby are subject to the provisions of all priorities regulations, as amended from time to time, except to the extent that any provision hereof may be inconsistent therewith, in which case the provisions of this order shall govern.

This amendment shall take effect October 1, 1942, and the order, as amended, shall continue in effect until revoked by the Director General for Operations.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 28th day of September 1942.

ERNEST KANZLER,  
Director General for Operations.

[F. R. Doc. 42-8028; Filed, September 23, 1942;  
2:38 p. m.]

#### Chapter XI—Office of Price Administration

##### PART 1306—IRON AND STEEL

##### [Maximum Price Regulation 230]

##### REUSABLE IRON AND STEEL PIPE

In the judgment of the Price Administrator it is necessary and proper to establish maximum prices for sales of reusable iron and steel pipe by a separate maximum price regulation. The Price Administrator has ascertained and given due consideration to the prices of reusable iron and steel pipe prevailing between October 1 and October 15, 1941 and has made adjustments for such relevant factors as he has determined to be of general applicability. So far as practicable, the Price Administrator has advised and consulted with representative members of the industry which will be

affected by this Maximum Price Regulation.

In the judgment of the Price Administrator the maximum prices established by this regulation are, and will be, generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942. A statement of the considerations involved in the issuance of this regulation has been issued simultaneously herewith and has been filed with the Division of the Federal Register.\*

Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, and in accordance with Procedural Regulation No. 1<sup>1</sup> issued by the Office of Price Administration, Maximum Price Regulation No. 230 is hereby issued.

AUTHORITY: §§ 1306.451 to 1306.466, inclusive, issued under Pub. Law 421, 77th Cong.

§ 1306.451 *Maximum prices for reusable iron and steel pipe.* On and after October 3, 1942, regardless of the terms of any contract, agreement, lease, or other obligation, no person shall sell or deliver reusable iron or steel pipe to the consumer of such pipe, and no consumer shall, in the course of trade or business, buy or receive reusable iron or steel pipe at prices higher than the maximum prices set forth in Appendix A, incorporated herein as § 1306.466; and no person shall agree, offer, solicit or attempt to do any of the foregoing. The provisions of this section shall not be applicable to sales or deliveries of reusable iron or steel pipe to a consumer if prior to October 3, 1942, such reusable iron or steel pipe had been received by a carrier other than a carrier owned or controlled by the seller, for shipment to such consumer.

§ 1306.452 *Geographical application.* The provisions of this Maximum Price Regulation No. 230 shall be applicable to the forty-eight states and the District of Columbia.

§ 1306.453 *Adjustable pricing.* Any person may offer or agree to adjust or fix prices to or at prices not in excess of the maximum prices in effect at the time of delivery. In an appropriate situation, where a petition for amendment or for adjustment or exception requires extended consideration, the Price Administrator may upon application, grant permission to agree to adjust prices upon deliveries made during the pendency of the petition in accordance with the disposition of the petition.

§ 1306.454 *Federal and State taxes.* There may be added to the maximum prices established by this regulation the amount of tax levied by any Federal excise tax statute or any State or municipal sales, gross receipts, gross proceeds, or compensating use tax statute or ordinance, under which the tax is measured by gross proceeds or units of sale, if, but only if, (1) such statute or ordinance

\*Copies may be obtained from the Office of Price Administration.

<sup>1</sup>7 F.R. 971, 3663, 6967.

<sup>1</sup>7 F.R. 3518, 3663, 5864.

requires the vendor to state the tax, separately from the purchase price paid by the purchaser, consumer, or user, on the bill, sales check, or evidence of sale, at the time of the transaction; or (2) such statute or ordinance requires such tax to be separately paid by the purchaser, consumer or user with tokens or other media of State or municipal tax payment; or (3) such a statute or ordinance permits the vendor to state such tax separately, and such tax is in fact stated separately by the vendor. The amount of tax permitted to be added by this provision shall in no event exceed that paid by the purchaser, consumer, or user.

§ 1306.455 *Less than maximum prices.* Lower prices than those set forth in Appendix A (§ 1306.466) may be charged, demanded, paid or offered.

§ 1306.456 *Evasion.* The price limitations set forth in this Maximum Price Regulation No. 230 shall not be evaded, whether by direct or indirect methods, in connection with an offer, solicitation, agreement, sale, delivery, purchase, or receipt of or relating to reusable iron and steel pipe, alone or in conjunction with any other commodity or by way of commission, service, transportation, or other charge, or discount, premium or other privilege, or by tying-agreement or other trade understanding, or otherwise.

§ 1306.457 *Records.* Every person making sales of reusable iron or steel pipe to consumers after October 2, 1942, shall render an invoice to the consumer for each such sale, showing separately the date (month, day, and year) thereof, the name and address of the consumer, a complete description of the pipe (indicating whether it is oil well casing, tubing, drill pipe or drive pipe, or whether it is pipe other than oil country tubular goods, and stating whether it is plain end or threaded and coupled), the size in inches (stating whether such size is the inside (I.D.) or outside (O.D.) diameter), the quantity in lineal feet, the weight in pounds per foot, the shipping point price per hundred feet, the city or town and state nearest the shipping point, the city or town and state nearest the point of delivery, the mode of transportation employed, the delivery charge, and the charge for extras if any was made. Such invoice shall be retained by the consumer, and a copy of such invoice shall be retained by the seller, for inspection by the Office of Price Administration, for a period of not less than two years.

§ 1306.458 *Reports.* (a) If the allowable delivery charge under § 1306.466 (f) exceeds 50 cents per hundred pounds, the seller must file with the Office of Price Administration, Washington, D. C., within 15 days after the delivery of the pipe, a copy of the invoice, required by § 1306.457 of this Maximum Price Regulation No. 230, covering such transaction.

(b) Reports regarding customary charges for extras shall be made in accordance with the provisions of § 1306.466 (e) of this Maximum Price Regulation No. 230.

(c) Persons affected by this Maximum Price Regulation No. 230 shall submit such other reports to the Office of Price Administration as it may, from time to time, require.

§ 1306.459 *Enforcement.* (a) Persons violating any provisions of this Maximum Price Regulation No. 230, are subject to the criminal penalties, civil enforcement actions, license suspension proceedings, and suits for treble damages provided for by the Emergency Price Control Act of 1942.

(b) Persons who have evidence of any violation of this Maximum Price Regulation No. 230, or any price schedule, regulation or order issued by the Office of Price Administration or of any acts or practices which constitute such a violation are urged to communicate with the nearest district, state or regional office of the Office of Price Administration or its principal office in Washington, D. C.

§ 1306.460 *Petition for amendment, adjustment or exception.* (a) Persons seeking any modification of this Maximum Price Regulation No. 230, may file petitions for amendment in accordance with the provisions of Procedural Regulation No. 1 issued by the Office of Price Administration.

(b) Any person seeking relief from a maximum price established under this Maximum Price Regulation No. 230 may present the special circumstances of his case in a petition for an order of adjustment. Such a petition shall be filed in accordance with the provisions of Procedural Regulation No. 1 and shall set forth the facts relating to the hardship to which such maximum price subjects the petitioner together with a statement of the reasons why he believes that the granting of relief in his case and in all like cases will not defeat or impair the policy of the Emergency Price Control Act of 1942 and of this Maximum Price Regulation No. 230 to eliminate the danger of inflation.

§ 1306.461 *Applicability of other maximum price regulations or revised price schedules—*(a) *Revised Price Schedule No. 4.* Used iron and steel pipe not conforming to the definition of "reusable" as set forth in § 1306.464 of this Maximum Price Regulation No. 230, or threaded but not furnished with couplings, shall be deemed to be scrap, and when sold to consumers shall be priced in accordance with the provisions of Revised Price Schedule No. 4<sup>2</sup>—Iron and Steel Scrap.

(b) *Revised Price Schedule No. 49.* The provisions of this Maximum Price Regulation No. 230 supersede the provisions of Revised Price Schedule No. 49<sup>3</sup>—Resale of Iron and Steel Products, with respect to sales and deliveries of reusable iron or steel pipe for which maximum prices are established by this Maximum Price Regulation No. 230. This regulation does not relate to cast iron pipe and fittings.

§ 1306.462 *Export and import sales.—*

(a) *Export sales.* The maximum prices at which a person may export to a consumer reusable iron or steel pipe shall be determined in accordance with the provisions of the Revised Maximum Export Price Regulation<sup>4</sup> issued by the Office of Price Administration.

(b) *Imports.* This Maximum Price Regulation No. 230 shall not apply to imports of reusable iron or steel pipe. Such imports shall be governed by the provisions of the General Maximum Price Regulation.

§ 1306.463 *Licensing order applicable.* The provisions of Supplementary Order No. 17<sup>5</sup> are applicable to every person subject to this Maximum Price Regulation No. 230, selling reusable iron or steel pipe to a consumer.

§ 1306.464 *Definitions.* (a) When used in this Maximum Price Regulation No. 230, the term:

(1) "Person" includes an individual, corporation, partnership, association, or any other organized group of persons or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other Government, or any of its political subdivisions, or any agency of any of the foregoing.

<sup>2</sup> 7 F.R. 1207, 1836, 2132, 2155, 2507, 3087, 3550, 3889, 4488, 6217.

<sup>3</sup> 7 F.R. 1800, 1836, 2132, 2473, 2540, 2682, 3330, 3893, 4342, 5176, 6893, 6935.

<sup>4</sup> 7 F.R. 5059.

<sup>5</sup> 7 F.R. 7239.

(2) "Iron and steel pipe" means iron and steel pipe, casing, or tubing of all the types, sizes and weights referred to in § 1306.466 Appendix A, of this Maximum Price Regulation No. 230, whether such pipe, casing, or tubing is (i) manufactured by the lapweld, butt weld, continuous weld, electric weld (including spiral weld) or seamless process; (ii) black or galvanized; and (iii) plain end, or threaded and furnished with couplings. "Iron and steel pipe" shall not include cast iron pipe and fittings.

(3) "Reusable iron and steel pipe" means used iron and steel pipe: (i) suitable without further reconditioning for use by the consumer for the purpose for which such consumer purchased it, (ii) suitable for use for any purpose for which new pipe of prime quality is customarily used, and (iii) capable of conducting, without leakage, liquids and gases at a pressure of at least 50 pounds per square inch.

(4) "Pipe" means (unless the context otherwise requires) reusable iron and steel pipe.

(5) "Oil country tubular goods" means reusable oil well casing, tubing, drill pipe, and drive pipe, suitable, without further reconditioning, for use for a purpose for which such pipe of prime quality is customarily used.

(6) "Consumer" means a person who purchases reusable iron or steel pipe for his own use and not for resale.

(b) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942 shall apply to other terms used herein.

§ 1306.465 *Effective date of Maximum Price Regulation No. 230.* This Maximum Price Regulation No. 230 (§§ 1306.451 to 1306.466 inclusive) shall become effective October 3, 1942.

§ 1306.466 *Appendix A—Maximum shipping point prices for reusable iron and steel pipe—(a) Shipping point.* (1) If the shipment of pipe to the consumer is wholly or partially by rail, vessel, or combination, the pipe is at its shipping point when it has been placed f. o. b. railroad car or f. a. s. vessel for shipment to the consumer.

(2) If the shipment of pipe to the consumer is solely by motor vehicle, the pipe is at its shipping point when it has been loaded on such vehicle for shipment to the consumer.

(3) If movement by motor vehicle precedes rail or vessel movement, the pipe is not at its shipping point until it has been placed f. o. b. railroad car or f. a. s. vessel for shipment to the consumer.

(b) *Shipping point zone.* The zone in which a shipping point is located is determined by ascertaining the established charge in cents per hundred pounds for transporting pipe by rail, at the rate for the lowest minimum carload weight, from Lorain, Ohio, to the rail siding nearest the shipping point, and by selecting the zone applicable to such charge in accordance with the following table:

<i>Established charge for transporting pipe by rail at the rate for the lowest minimum carload weight, from Lorain, Ohio, to the rail siding nearest the shipping point.</i>	
Zone:	Cents per hundred pounds
1-----	Less than 25.
2-----	25 and over but less than 50.
3-----	50 and over but less than 75.
4-----	75 and over but less than 100.
5-----	100 and over but less than 125.
6-----	125 and over but less than 150.
7-----	150 and over.

(c) *Maximum shipping point prices for pipe other than oil country tubular goods.* (1) Except as otherwise provided in this paragraph, the maximum shipping point price for pipe other than oil country tubular goods shall be the applicable price for plain end, or threaded and coupled, pipe, listed in subparagraph (3) of this paragraph (according to the zone in which the shipping point is located) for the listed size identical with or nearest to the size of the pipe to be priced, and the listed weight per foot for such listed size, nearest to the weight per foot of the pipe to be priced. If the size of the pipe to be priced is exactly midway between two adjacent listed sizes, the smaller of the two listed sizes shall be the governing size, and the maximum shipping point price shall be the price applicable to the listed weight per foot for such governing size, nearest to the

weight per foot of the pipe to be priced: *Provided, however,* That if the weight per foot of the pipe to be priced is exactly midway between adjacent weights per foot listed for such governing size, the maximum shipping point price shall be the price applicable to the lower of such adjacent weights.

(2) (i) If threaded and coupled pipe other than oil country tubular goods meets the specifications set forth in this subdivision, the maximum shipping point price shall be the maximum price determined under subparagraph (1) of this paragraph, plus twenty per cent: *Provided, however,* That on shipments of 40,000 pounds or more, whether at one time or on one order, the maximum shipping point price shall be the maximum price determined under subparagraph (1) of this paragraph, plus ten per cent:

Each length of pipe must be of American manufacture, commercially straight and free of injurious surface defects, must weigh within five per cent of new pipe of the same size and weight per foot, must have new threads and new couplings of prime quality, must have been hydrostatically tested to a minimum pressure of five hundred pounds per square inch (the pressure to be applied for not less than five seconds without leakage), and must be stamped with a steel die to show clearly the seller's identification mark.

(ii) If plain end pipe other than oil country tubular goods meets the specifications set forth in this subdivision, the maximum shipping point price shall be the maximum price determined under subparagraph (1) of this paragraph, plus ten per cent:

Each length of pipe must be of American manufacture, commercially straight and free of injurious surface defects, must weigh within five per cent of new pipe of the same size and weight per foot, must have been hydrostatically tested to a minimum pressure of five hundred pounds per square inch (the pressure to be applied for not less than five seconds without leakage), and must be stamped with a steel die to show clearly the seller's identification mark.

TABLE 1  
PIPE OTHER THAN OIL COUNTRY TUBULAR GOODS

Description of Pipe			Price per Hundred Feet—Dollars																					
Size		Weight per Foot (Pounds)	Zone 1		Zone 2		Zone 3		Zone 4		Zone 5		Zone 6		Zone 7									
Inside Diameter (Inches)	Outside Diameter (Inches)		Less Than \$0.25 Freight Rate <sup>1</sup> per Hundred Pounds	Plain End	\$0.25 and Over but Less Than \$0.50 Freight Rate <sup>1</sup> per Hundred Pounds	Threaded and Coupled	Plain End	\$0.50 and Over but Less Than \$0.75 Freight Rate <sup>1</sup> per Hundred Pounds	Threaded and Coupled	Plain End	\$0.75 and Over but Less Than \$1.00 Freight Rate <sup>1</sup> per Hundred Pounds	Threaded and Coupled	Plain End	\$1.00 and Over but Less Than \$1.25 Freight Rate <sup>1</sup> per Hundred Pounds	Threaded and Coupled	Plain End	\$1.25 and Over but Less Than \$1.50 Freight Rate <sup>1</sup> per Hundred Pounds	Threaded and Coupled	Plain End	\$1.50 and Over Freight Rate <sup>1</sup> per Hundred Pounds	Threaded and Coupled	Plain End		
3/8		0.24	2.18		2.30		2.40		2.50		2.60		2.80		2.90		3.10		3.20		3.40		3.50	
3/8		.314	5.10		5.40		5.70		5.90		6.20		6.50		6.80		7.10		7.40		7.70		8.00	
3/8		.42	2.20		2.40		2.50		2.60		2.70		2.90		3.00		3.20		3.30		3.50		3.60	
3/8		.525	3.10		3.20		3.40		3.60		3.70		3.90		4.00		4.20		4.30		4.50		4.60	
3/8		.56	2.20		2.40		2.50		2.60		2.70		2.90		3.00		3.20		3.30		3.50		3.60	
3/8		.738	3.10		3.20		3.40		3.60		3.70		3.90		4.00		4.20		4.30		4.50		4.60	
3/8		.85	2.80		3.00		3.20		3.40		3.60		3.70		3.90		4.00		4.20		4.30		4.50	
3/8		1.087	4.00		4.20		4.50		4.70		5.00		5.20		5.50		5.80		6.00		6.30		6.60	
3/8		1.13	3.50		3.80		4.00		4.30		4.50		4.80		5.00		5.30		5.50		5.80		6.00	
3/8		1.47	5.00		5.20		5.60		5.90		6.20		6.60		6.90		7.30		7.60		8.00		8.30	
3/8		1.67	4.90		5.20		5.60		6.00		6.40		6.70		7.10		7.50		7.90		8.30		8.70	
3/8		2.17	6.90		7.40		7.90		8.40		8.90		9.40		9.90		10.40		10.90		11.40		11.90	
3/8		2.27	6.60		7.10		7.60		8.10		8.60		9.10		9.60		10.10		10.60		11.10		11.60	
3/8		2.996	9.40		10.00		10.70		11.40		12.10		12.80		13.40		14.10		14.80		15.50		16.20	
3/8		2.71	7.90		8.50		9.10		9.70		10.30		10.90		11.50		12.10		12.70		13.30		13.90	
3/8		3.63	11.40		12.20		13.00		13.90		14.70		15.60		16.40		17.30		18.10		19.00		19.80	
2	2	2.4	8.80	9.30	8.70	9.80	10.30	10.30	9.70	10.90	10.20	11.40	10.80	11.90	11.30	12.50	11.80	13.00	12.30	13.50	12.80	14.00	13.30	
2	2 1/4	2.73	9.90	10.50	9.80	11.00	10.30	11.60	10.70	12.20	11.50	12.80	12.10	13.40	12.70	14.00	13.30	14.60	13.90	15.20	14.50	15.80	15.10	
2	2 1/4	3.2	11.70	12.40	11.60	13.10	12.30	13.80	13.00	14.60	13.70	15.20	14.40	15.90	15.10	16.40	15.60	17.00	16.20	17.60	16.80	18.20	17.40	
2	2 1/4	3.0	11.00	10.20	11.60	10.80	12.30	11.50	12.90	12.10	13.60	12.80	14.20	13.50	14.90	14.10	15.40	14.70	16.00	15.30	16.60	15.90	17.20	
2	2 3/8	3.67	10.60	10.60	11.40	10.80	12.20	11.60	13.00	12.40	13.80	13.20	14.70	14.00	15.50	14.80	16.30	15.60	17.10	16.40	17.90	17.20	18.70	
2	2 3/8	4.60	13.20	12.40	14.20	13.40	15.20	14.40	16.20	15.40	17.20	16.40	18.20	17.40	19.20	18.40	20.20	19.40	21.20	20.40	22.20	21.40	23.20	
2	2 3/8	5.022	15.00	16.70	16.70	17.90	17.90	19.00	18.00	20.10	19.10	21.20	20.20	22.30	21.30	23.40	22.40	24.50	23.50	25.60	24.60	26.70	25.70	
2	2 3/8	4.3	15.70	14.60	16.60	15.50	17.60	16.50	18.50	17.40	19.50	18.30	20.40	19.30	21.40	20.20	22.50	21.30	23.60	22.40	24.70	23.50	25.80	
2	2 3/8	5.85	16.80	15.70	18.00	17.00	19.30	18.30	20.60	19.60	21.90	20.90	23.20	22.10	24.40	23.40	25.70	24.60	26.90	25.80	28.20	27.10	29.40	
2	2 3/8	6.16	17.50	16.40	18.80	17.70	20.20	19.10	21.60	20.40	22.90	21.80	24.20	23.10	25.60	24.40	26.90	25.70	28.20	27.00	29.50	28.30	30.80	
2	2 3/8	7.66	24.00	25.80	25.80	27.50	26.50	29.30	28.30	31.10	30.00	32.80	31.80	34.60	33.60	36.40	35.40	38.20	37.20	40.00	39.00	41.80	40.80	
2	3	3.36	12.10	11.20	12.80	11.90	13.50	12.60	14.20	13.40	14.90	14.10	15.70	14.80	16.40	15.50	17.00	16.10	17.70	16.80	18.30	17.40	19.00	
2	3	4.5	16.40	15.30	17.40	16.30	18.40	17.20	19.40	18.20	20.40	19.20	21.40	20.20	22.40	21.20	23.60	22.40	24.60	23.40	25.60	24.40	26.80	
2	3 1/4	5.29	19.00	17.60	20.10	18.80	21.30	19.90	22.40	21.10	23.60	22.20	24.70	23.30	25.80	24.40	26.90	25.50	28.00	26.60	29.10	27.70	30.20	
2	3 1/4	7.70	21.90	20.60	23.60	22.30	25.30	23.90	26.90	25.60	28.60	27.30	30.30	29.00	32.00	30.60	33.60	32.30	35.30	34.00	37.00	35.70	38.70	
2	3 1/4	10.25	22.10	21.10	24.40	23.40	26.40	25.00	28.00	26.60	29.60	28.20	31.20	29.80	32.80	31.40	34.40	33.00	36.00	34.60	37.60	36.20	39.20	
4	4	5.29	17.60	16.30	18.80	17.40	19.80	18.50	21.00	19.70	22.20	20.80	23.30	22.00	24.50	23.10	25.60	24.30	26.80	25.40	27.90	26.50	29.00	
4	4	6.09	20.30	18.80	21.70	20.10	23.00	21.40	24.30	22.70	25.60	24.00	26.90	25.30	28.20	26.60	29.10	27.50	30.40	28.80	31.70	30.10	33.00	
4	4	9.20	23.40	26.00	30.40	28.00	32.40	30.00	34.40	32.00	36.40	34.00	38.40	36.00	40.00	37.60	41.60	39.20	43.20	40.80	44.80	42.40	46.40	
4	4	12.51	26.50	29.60	34.00	31.60	36.00	33.60	38.00	35.60	40.00	37.60	41.60	39.20	43.20	40.80	44.80	42.40	46.40	44.00	48.00	45.60	49.60	
4	4 1/2	4.98	20.00	18.50	21.30	19.70	22.60	21.00	23.90	22.30	25.20	23.60	26.50	24.90	27.80	26.20	29.10	27.50	30.40	28.80	31.70	30.10	33.00	
4	4 1/2	6.6	22.40	20.70	23.80	22.10	25.30	23.50	26.70	24.90	28.10	26.30	29.50	27.70	30.90	29.10	32.10	30.30	33.30	31.50	34.50	32.70	35.70	
4	4 1/2	8.0	26.50	24.30	28.40	26.20	30.30	28.00	32.20	29.90	34.00	31.80	35.90	33.70	37.80	35.60	39.90	37.70	41.80	39.60	43.70	41.50	45.60	
4	4 1/2	10.79	33.60	30.80	36.00	33.20	38.40	35.50	40.80	37.90	43.20	40.30	45.60	42.70	48.00	45.10	50.40	47.50	52.80	49.90	55.20	52.30	57.60	
4	4 1/2	14.88	47.40	44.00	50.90	46.90	54.30	50.30	57.70	53.70	61.10	57.10	64.50	60.50	67.90	63.90	71.30	67.30	74.70	70.70	78.10	74.10	81.50	
4	4 1/2	7.1	24.10	22.20	25.60	23.80	27.20	25.30	28.70	26.80	30.20	28.30	31.70	29.80	33.20	31.30	34.70	32.80	36.20	34.30	37.70	35.80	39.20	
4	4 1/2	9.3	28.70	26.20	30.70	28.30	32.80	30.30	34.80	32.30	36.80	34.30	38.80	36.30	40.80	38.30	42.80	40.30	44.80	42.30	46.80	44.30	48.80	
4	4 1/2	16.75	49.70	46.00	53.00	49.00	56.30	52.30	59.60	55.60	62.90	58.90	66.20	62.20	69.50	65.50	72.80	68.80	76.10	72.10	79.40	75.40	82.70	
5	5	6.96	23.40	21.60	24.90	23.10	26.40	24.60	27.90	26.10	29.40	27.60	30.90	29.10	32.40	30.60	33.90	32.10	35.40	33.60	36.90	35.10	38.40	
5	5	9.6	29.60	27.10	31.70	29.20	33.80	31.30	35.90	33.40	38.00	35.50	40.10	37.60	42.20	39.70	44.30	41.80	46.40	43.90	48.50	46.00	50.60	
5	5																							

TABLE I  
FIVE OTHER THAN OIL COUNTRY TUBULAR GOODS

Description of Pipe			Price per Hundred Feet—Dollars															
Size		Weight per Foot (Pounds)	Zone 1		Zone 2		Zone 3		Zone 4		Zone 5		Zone 6		Zone 7			
Inside Diameter (Inches)	Outside Diameter (Inches)		Less Than \$0.25 Freight Rate per Hundred Pounds		\$0.25 and Over but Less Than \$0.50 Freight Rate per Hundred Pounds		\$0.50 and Over but Less Than \$0.75 Freight Rate per Hundred Pounds		\$0.75 and Over but Less Than \$1.00 Freight Rate per Hundred Pounds		\$1.00 and Over but Less Than \$1.25 Freight Rate per Hundred Pounds		\$1.25 and Over but Less Than \$1.50 Freight Rate per Hundred Pounds		\$1.50 and Over Freight Rate per Hundred Pounds			
			Threaded and Coupled	Plain End	Threaded and Coupled	Plain End	Threaded and Coupled	Plain End	Threaded and Coupled	Plain End	Threaded and Coupled	Plain End	Threaded and Coupled	Plain End	Threaded and Coupled	Plain End		
	9 5/8	18.80	69.20	64.10	73.50	68.40	77.80	73.40	82.10	77.00	81.40	81.30	90.70	85.60	95.00	89.90		
	9 5/8	25.03	83.00	78.90	82.30	78.20	83.00	78.20	83.00	78.20	83.00	78.20	83.00	78.20	83.00	78.20		
	9 5/8	37.05	123.80	113.60	132.20	122.10	130.60	125.40	133.90	128.70	137.20	127.10	135.60	130.40	139.90	134.70		
	9 5/8	48.73	162.00	151.80	170.20	160.10	168.60	163.40	171.90	166.70	175.20	165.10	173.60	168.40	177.90	172.70		
	10	19.65	71.80	66.40	76.30	70.90	80.70	75.40	84.20	79.10	83.50	83.40	92.80	87.70	97.10	92.00		
	10	26.03	85.20	80.10	90.10	84.10	93.90	88.60	97.40	92.30	96.70	96.60	106.00	100.90	110.30	105.20		
	10	38.54	128.80	118.20	137.60	127.00	135.90	130.70	139.60	134.50	143.40	133.30	142.20	137.00	146.90	141.70		
	10	50.73	169.00	158.00	177.40	166.90	175.80	170.60	179.50	174.40	183.30	173.20	182.10	176.90	186.80	181.60		
	10 1/2	22.87	83.50	77.20	88.70	82.60	93.10	87.00	96.50	91.40	100.90	90.80	100.30	95.10	104.60	99.40		
	10 1/2	28.04	102.00	94.90	108.00	101.30	111.80	105.10	116.30	109.60	120.80	114.10	125.30	118.60	129.80	123.10		
	10 1/2	31.20	107.00	98.28	114.39	105.60	121.00	112.80	123.10	114.90	125.40	117.20	127.70	120.50	131.00	123.80		
	10 1/2	34.24	117.00	107.10	123.60	115.00	133.00	123.40	140.90	131.40	143.00	133.50	151.00	141.50	154.00	146.50		
	10 1/2	41.20	137.80	126.70	147.20	135.00	153.90	143.70	163.20	152.00	171.50	161.40	180.90	170.70	190.20	182.70		
	10 1/2	54.74	183.20	169.50	193.80	180.00	200.90	188.70	210.60	200.40	222.50	212.30	234.40	224.20	246.30	236.10		
	11	21.68	79.10	73.20	84.60	78.10	88.60	83.00	92.50	86.90	96.00	90.40	99.50	94.00	103.10	97.60		
	11	28.70	103.10	94.20	111.70	103.80	118.20	110.30	124.70	116.80	131.20	123.30	137.70	129.80	144.20	136.30		
	11	42.65	142.10	130.00	151.60	140.20	161.90	151.70	173.60	163.40	185.30	175.10	197.00	186.80	208.70	198.50		
	11	56.07	187.50	173.40	190.00	176.90	200.00	212.80	225.70	218.60	237.50	230.40	249.30	242.20	261.10	254.00		
	11 1/2	30.71	115.20	106.00	122.20	113.80	129.20	120.80	135.20	126.80	141.20	132.80	147.20	138.80	153.20	144.80		
	11 1/2	45.56	156.30	143.50	163.70	154.20	171.00	161.50	178.30	168.80	185.60	176.10	192.90	183.40	200.20	190.70		
	11 1/2	60.08	206.10	193.10	213.90	203.60	221.80	211.50	230.70	220.40	239.60	229.30	248.50	238.20	257.40	247.10		
	12	24.46	81.00	74.90	87.00	80.00	92.10	85.10	97.20	90.20	102.30	95.30	107.40	100.40	112.50	105.50		
	12	31.37	117.50	108.00	124.00	116.10	131.70	123.80	139.40	131.50	147.00	139.10	154.70	146.80	162.30	154.40		
	12	46.56	159.70	147.10	170.30	157.00	180.50	168.20	191.00	178.70	201.20	188.90	211.40	200.10	222.60	211.30		
	12	61.41	210.80	210.80	224.00	224.00	238.00	238.00	252.00	252.00	266.00	266.00	280.00	280.00	294.00	294.00		
	12 1/2	33.33	125.00	118.00	132.00	123.00	140.20	131.10	147.40	138.30	154.70	145.60	162.00	152.90	169.30	160.20		
	12 1/2	41.51	142.00	131.20	152.00	140.70	161.00	150.40	170.30	160.80	180.70	170.20	189.90	179.40	199.10	188.60		
	12 1/2	45.55	154.00	142.00	164.80	152.00	173.10	162.60	182.00	171.50	190.90	180.40	200.80	190.30	210.70	200.20		
	12 1/2	49.56	174.20	160.24	183.70	171.00	197.20	183.40	203.60	189.80	219.90	206.10	226.20	212.40	232.50	218.70		
	12 1/2	65.42	225.00	225.00	239.00	239.00	249.00	249.00	259.00	259.00	269.00	269.00	279.00	279.00	289.00	289.00		
	13	34.04	129.20	119.50	133.90	127.00	144.00	135.40	152.10	143.50	159.20	150.60	167.30	158.70	175.40	166.80		
	13	50.56	173.50	159.70	183.00	171.20	189.00	177.20	195.00	183.20	201.00	189.20	207.00	195.20	213.00	201.20		
	13	66.75	229.10	210.50	244.20	230.10	248.00	233.90	251.90	237.80	255.70	241.60	259.60	245.50	263.50	251.40		
	13 1/2	35.04	133.00	123.40	140.00	131.40	148.00	139.40	156.00	147.40	164.00	155.40	172.00	163.40	180.00	171.40		
	13 1/2	52.07	178.00	162.40	189.00	176.00	200.00	187.00	210.00	197.00	224.00	211.00	228.00	215.00	235.00	222.00		
	13 1/2	68.75	238.00	221.40	251.60	236.00	260.00	245.00	269.00	254.00	278.00	263.00	287.00	272.00	296.00	281.00		
	14	36.71	139.40	129.40	147.80	137.80	154.00	145.00	161.20	152.20	168.40	159.40	175.60	166.60	182.80	173.80		
	14	54.57	189.20	172.00	192.00	182.00	202.00	192.00	212.00	202.00	222.00	212.00	232.00	222.00	242.00	232.00		
	14	72.09	247.30	227.00	253.70	244.10	263.00	253.40	272.00	262.40	281.00	271.40	290.00	280.40	299.00	289.40		
	15	39.38	151.10	140.40	159.00	149.00	168.00	158.00	177.00	167.00	186.00	176.00	195.00	185.00	194.00	184.00		
	15	58.57	216.80	201.00	220.20	210.20	229.40	219.40	238.60	228.60	247.80	237.80	257.00	247.00	256.20	246.20		
	15	77.43	287.00	268.00	304.60	283.00	322.00	301.00	340.00	319.00	358.00	337.00	376.00	355.00	394.00	373.00		
	16	42.05	161.00	150.00	171.00	160.00	180.00	170.00	190.00	180.00	200.00	190.00	210.00	200.00	220.00	210.00		
	16	62.68	231.80	214.70	246.00	228.00	260.20	243.10	274.40	257.30	288.60	271.50	302.80	285.70	317.00	300.00		
	16	82.77	306.70	284.10	325.50	302.00	341.20	321.70	360.90	341.40	380.60	361.10	399.30	380.80	419.50	400.00		
	18	47.39	171.10	161.00	181.00	170.00	190.00	180.00	200.00	190.00	210.00	200.00	220.00	210.00	230.00	220.00		
	18	70.59	245.40	231.40	261.40	246.40	281.40	266.40	296.40	281.40	316.40	301.40	331.40	316.40	346.40	331.40		
	18	93.45	326.10	306.10	340.40	320.40	354.70	334.70	369.00	349.00	383.30	363.30	397.60	377.60	411.90	392.00		
	20	52.70	190.00	180.00	200.00	190.00	210.00	200.00	220.00	210.00	230.00	220.00	240.00	230.00	250.00	240.00		
	20	78.60	273.00	263.00	293.00	283.00	313.00	303.00	333.00	323.00	353.00	343.00	373.00	363.00	393.00	383.00		
	20	104.13	362.40	352.40	382.40	372.40	402.40	392.40	422.40	412.40	442.40	432.40	462.40	452.40	482.40	472.40		
	22	63.76	255.30	245.30	275.30	265.30	295.30	285.30	315.30	305.30	335.30	325.30	355.30	345.30	375.30	365.30		
	22	94.62	333.00	323.00	353.00	343.00	373.00	363.00	393.00	383.00	413.00	403.00	433.00	423.00	453.00	443.00		
	22	114.81	404.00	394.00	424.00	414.00	444.00	434.00	464.00	454.00	484.00	474.00	504.00	494.00	524.00	514.00		
	24	79.06	289.40	279.40	309.40	299.40	329.40	319.40	349.40	339.40	369.40	359.40	389.40	379.40	409.40	399.40		
	24	94.62	333.00	323.00	353.00	343.00	373.00	363.00	393.00	383.00	413.00	403.00	433.00	423.00	453.00	443.00		
	24	125.49	442.20	432.20	462.20	452.20	482.20	472.20	502.20	492.20	522.20	512.20	542.20	532.20	562.20	552.20		
	26	119.44	421.00	411.00	441.00	431.00	461.00	451.00	481.00	471.00	501.00	491.00	521.00	511.00	541.00	531.00		

(d) *Maximum shipping point prices for oil country tubular goods.* (1) Except as otherwise provided in this paragraph, the maximum shipping point price for threaded and coupled oil country tubular goods shall be the applicable price listed for the kind of pipe to be priced, in subparagraph (5) of this paragraph (according to the zone in which the shipping point is located) for the listed size identical with or nearest to the size of the pipe to be priced, and the listed weight per foot for such listed size, nearest to the weight per foot of the pipe to be priced. If the size of the pipe to be priced is exactly midway between two adjacent listed sizes, the smaller of the two listed sizes shall be the governing size, and the maximum shipping point price shall be

the price applicable to the listed weight per foot for such governing size, nearest to the weight per foot of the pipe to be priced: *Provided however,* That if the weight per foot of the pipe to be priced is exactly midway between adjacent weights per foot listed for such governing size, the maximum shipping point price shall be the price applicable to the lower of such adjacent weights.

(2) If threaded and coupled oil country tubular goods meet the specifications set forth in this subparagraph, the maximum shipping point prices shall be the maximum prices determined under subparagraph (1) of this paragraph, plus twenty percent:

Each length of pipe must be commercially straight and free of injurious sur-

face defects, must bear the American Petroleum Institute (hereinafter referred to as A. P. I.) monogram showing that such pipe was manufactured to A. P. I. specifications, must be of American manufacture, must have been subjected to a ring and plug-gauge test as required under A. P. I. specifications to assure absence of stand-off and other defects such as "cupping" of threads and pulling strain, must have threads which are free from visible breaks and galling, must weigh at least 96½ percent of the calculated weights required by A. P. I. specifications for new pipe of the same size and weight per foot, must have been drifted with cylindrical mandrels as required in A. P. I. specifications (except that the mandrel shall have an outside



of not less than 1/16 inch under the nominal inside diameter of the pipe being tested), must have been hydrostatically tested to a minimum pressure of fifteen hundred pounds (the pressure to be applied for not less than one minute without leakage and the ends filled with plugs, using a zinc base thread compound), and must be stamped with a steel die to show clearly the seller's identification mark.

(3) Maximum shipping point prices for plain end oil well casing and tubing meeting the requirements for oil country tubular goods as defined in § 1306.464 shall be ten per cent less than the maximum shipping point prices in subparagraphs (1) and (2) of this paragraph applicable to such casing and tubing when threaded and coupled.

(4) Where pipe, originally oil country tubular goods, is no longer suitable for reuse for a purpose for which such pipe of prime quality is customarily used, but meets the requirements of reusable pipe as defined in § 1306.464 of this Maximum Price Regulation No. 230, the maximum shipping point price shall be determined in accordance with the provision of § 1306.466 (c).

TABLE II  
OIL COUNTRY TUBULAR GOODS—THREADED AND COUPLED  
Steel tubing—upset or plain

Description of pipe		Price per hundred feet—dollars						
Size	Weight per foot (pounds)	Zone 1	Zone 2	Zone 3	Zone 4	Zone 5	Zone 6	Zone 7
Outside diameter (inches)		Less than \$0.25 freight rate <sup>1</sup> per hundred pounds	\$0.25 and over but less than \$0.50 freight rate <sup>1</sup> per hundred pounds	\$0.50 and over but less than \$0.75 freight rate <sup>1</sup> per hundred pounds	\$0.75 and over but less than \$1.00 freight rate <sup>1</sup> per hundred pounds	\$1.00 and over but less than \$1.25 freight rate <sup>1</sup> per hundred pounds	\$1.25 and over but less than \$1.50 freight rate <sup>1</sup> per hundred pounds	\$1.50 and over freight rate <sup>1</sup> per hundred pounds
2 3/8	4.60	17.00	17.80	18.70	19.50	20.40	21.30	22.10
2 7/8	6.20	22.00	23.20	24.30	25.40	26.60	27.80	28.90
3 1/2	9.20	31.60	33.40	35.10	36.80	38.50	40.30	42.00

## Steel Casing

4 1/2	9.50	34.30	36.10	37.90	39.70	41.40	43.20	45.00
5 1/4	16.00	57.80	60.80	63.80	66.80	69.80	72.80	75.80
5 7/8	13.00	48.60	51.10	53.50	55.90	58.40	60.80	63.20
6	14.00	49.80	52.50	55.10	57.70	60.30	63.00	65.60
6 1/4	15.00	53.50	56.30	59.10	61.90	64.70	67.50	70.30
6 1/2	18.00	64.00	66.20	70.80	74.20	77.60	80.90	84.30
6 3/4	10.00	39.60	40.70	42.60	45.20	47.10	49.00	50.90
6 7/8	13.00	47.50	49.90	52.30	54.80	57.20	59.60	62.00
7	16.00	54.40	57.30	60.30	63.30	66.30	69.30	72.30
7 1/4	14.00	42.50	45.10	47.80	50.40	53.00	55.70	58.30
7 1/2	15.00	44.90	47.70	48.20	53.30	56.10	58.90	61.70
7 3/4	17.00	51.20	52.10	57.50	60.70	63.90	67.10	70.30
8	13.00	51.50	53.90	56.30	58.80	61.20	63.70	66.10
8 1/4	17.00	60.10	63.30	66.40	69.60	72.80	76.00	79.20
8 1/2	20.00	70.90	74.60	78.40	82.10	85.90	89.60	93.30
8 3/4	24.00	84.70	89.20	93.70	98.20	102.70	107.20	111.70
9	26.00	90.60	95.40	100.20	105.20	110.10	114.90	119.80
9 1/4	17.00	53.30	56.40	59.60	62.80	66.00	69.20	72.40
9 1/2	18.00	56.40	59.80	63.10	66.50	69.90	73.30	76.70
9 3/4	20.00	62.40	66.00	69.90	73.60	77.40	81.10	84.90
10	22.00	68.90	73.00	77.20	81.20	85.40	89.60	93.70
10 1/4	24.00	76.60	81.10	85.60	90.10	94.60	99.10	103.60
10 1/2	26.00	82.40	87.20	92.10	97.00	101.90	106.80	111.60
10 3/4	28.00	92.60	97.80	103.10	108.30	113.60	118.80	124.10
11	26.40	98.10	103.10	108.60	113.00	117.80	122.00	127.00
11 1/4	20.00	76.40	80.10	83.90	87.70	91.40	95.20	99.00
11 1/2	20.00	76.50	80.10	84.00	87.70	91.40	95.20	99.00
11 3/4	24.00	88.80	93.10	97.80	102.30	106.80	111.30	115.80
12	28.00	95.10	100.30	105.60	110.80	116.10	121.30	126.60
12 1/4	32.00	101.80	107.80	113.80	119.80	125.80	131.80	137.80
12 1/2	36.00	131.30	138.00	144.80	151.60	158.30	165.00	171.80
12 3/4	34.00	143.60	150.00	156.30	162.70	169.10	175.50	181.80
13	38.00	161.20	168.30	175.40	182.50	189.60	196.70	203.80
13 1/4	40.00	169.70	177.20	184.70	192.20	199.70	207.20	214.70
13 1/2	40.00	127.00	134.50	142.00	149.50	157.00	164.50	172.00
13 3/4	32.75	113.10	119.20	125.40	131.60	137.80	143.90	149.90
14	35.75	133.10	139.70	146.50	153.10	159.80	166.50	173.20
14 1/4	45.50	168.10	176.70	185.20	193.70	202.30	210.80	219.30
14 1/2	47.00	171.80	180.70	189.50	198.30	207.10	215.90	224.70
14 3/4	45.00	183.60	192.00	200.40	208.80	217.30	225.80	234.20
15	51.00	206.70	216.30	225.90	235.40	245.00	254.60	264.10
15 1/4	40.00	156.60	164.10	171.60	179.10	186.60	194.10	201.60
15 1/2	45.00	169.80	178.30	186.70	195.20	203.60	212.00	220.50
15 3/4	50.00	184.90	194.30	203.70	213.00	222.40	231.80	241.20
16	48.00	206.80	215.80	224.80	233.80	242.80	251.80	260.80
16 1/4	54.50	225.30	235.50	245.70	255.90	266.10	276.30	286.50
16 1/2	61.00	250.10	261.50	273.00	284.40	295.80	307.30	318.70
16 3/4	60.00	227.80	237.20	246.60	255.90	265.30	274.70	284.00
17	55.00	286.00	295.30	305.60	315.90	326.20	336.50	346.80
17 1/4	65.00	333.60	345.80	358.00	370.10	382.30	394.50	406.70
17 1/2	70.00	354.40	367.50	380.70	393.80	406.90	420.00	433.20
17 3/4	75.00	376.50	390.60	404.70	418.70	432.80	446.90	460.90
18 1/4	78.00	447.00	461.00	476.20	490.80	505.40	520.10	534.70
18 1/2	87.50	487.10	503.50	519.90	536.30	552.70	569.10	585.50
18 3/4	96.50	522.30	540.40	558.60	576.80	595.00	613.20	631.40
19	84.00	469.50	485.30	501.00	516.80	532.60	548.40	564.20
19 1/4	90.00	503.00	520.00	536.80	553.70	570.60	587.50	604.40
19 1/2	92.50	539.90	557.30	574.60	591.90	609.20	626.50	643.80
19 3/4	103.00	648.70	668.00	687.30	706.60	725.90	745.20	764.50
20	114.00	669.20	717.60	738.90	760.30	781.70	803.10	824.50

<sup>1</sup> Established charge for transporting pipe by rail at the rate for the lowest minimum carload weight, from Lorain, Ohio, to the rail siding nearest the shipping point.

TABLE II—Continued  
OIL COUNTRY TUBULAR GOODS—THREADED AND COUPLER—continued  
Steel Drills Pipe

Description of pipe		Price per hundred feet—dollars						
Size	Weight per foot (pounds)	Zone 1	Zone 2	Zone 3	Zone 4	Zone 5	Zone 6	Zone 7
Outside diameter (inches)		Less than \$0.25 freight rate per hundred pounds	\$0.25 and over but less than \$0.49 freight rate per hundred pounds	\$0.49 and over but less than \$0.75 freight rate per hundred pounds	\$0.75 and over but less than \$1.00 freight rate per hundred pounds	\$1.00 and over but less than \$1.25 freight rate per hundred pounds	\$1.25 and over but less than \$1.50 freight rate per hundred pounds	\$1.50 and over freight rate per hundred pounds
2 3/8	3.75	15.40	16.10	16.60	17.00	18.20	19.00	19.70
2 3/8	5.90	21.80	22.60	23.00	23.40	25.20	26.00	26.70
3 1/2	7.70	28.50	29.30	30.40	30.80	32.60	33.40	34.10
4	9.25	33.70	34.50	35.60	36.00	37.80	38.60	39.30
4 1/2	11.00	40.10	40.90	42.00	42.40	44.20	45.00	45.70
5 1/16	15.00	54.20	55.00	56.10	56.50	58.30	59.10	59.80
6 3/8	19.45	69.00	69.80	70.90	71.30	73.10	73.90	74.60
8 3/8	28.55	98.10	98.90	100.00	100.40	102.20	103.00	103.70
8 3/4	29.35	113.10	113.90	115.00	115.40	117.20	118.00	118.70
8 7/8	32.40	123.10	123.90	125.00	125.40	127.20	128.00	128.70
10 3/4	32.75	127.30	128.10	129.20	129.60	131.40	132.20	132.90
10 7/8	35.75	139.50	140.30	141.40	141.80	143.60	144.40	145.10
10 1/2	41.85	163.10	163.90	165.00	165.40	167.20	168.00	168.70
12 1/4	45.45	180.50	181.30	182.40	182.80	184.60	185.40	186.10
12 3/4	51.15	203.20	204.00	205.10	205.50	207.30	208.10	208.80
14	57.00	229.80	230.60	231.70	232.10	233.90	234.70	235.40
16	65.20	259.40	260.20	261.30	261.70	263.50	264.30	265.00
18	81.20	342.40	343.20	344.30	344.70	346.50	347.30	348.00
20	90.00	400.10	400.90	402.00	402.40	404.20	405.00	405.70

Steel Drill Pipe

Size	Weight per foot (pounds)	Zone 1	Zone 2	Zone 3	Zone 4	Zone 5	Zone 6	Zone 7
2 3/8	4.80	25.00	25.00	26.80	27.70	28.00	29.70	30.40
2 3/8	6.65	33.00	33.10	34.90	35.80	36.10	37.80	38.50
2 3/8	6.45	34.80	34.90	36.70	37.60	37.90	39.60	40.30
2 3/8	8.25	43.00	43.10	44.90	45.80	46.10	47.80	48.50
2 3/8	10.40	54.00	54.10	55.90	56.80	57.10	58.80	59.50
3 1/2	8.50	45.70	45.80	47.60	48.50	48.80	50.50	51.20
3 1/2	11.20	60.40	60.50	62.30	63.20	63.50	65.20	65.90
3 1/2	13.70	69.80	69.90	71.70	72.60	72.90	74.60	75.30
4 1/2	12.75	68.20	68.30	70.10	71.00	71.30	73.00	73.70
4 1/2	13.75	71.70	71.80	73.60	74.50	74.80	76.50	77.20
4 1/2	16.00	80.40	80.50	82.30	83.20	83.50	85.20	85.90
5 1/16	19.00	99.10	99.20	101.00	101.90	102.20	103.90	104.60
5 1/16	22.00	117.30	117.40	119.20	120.10	120.40	122.10	122.80
5 1/16	25.25	132.40	132.50	134.30	135.20	135.50	137.20	137.90
6 3/8	22.50	117.40	117.50	119.30	120.20	120.50	122.20	122.90
6 3/8	21.50	108.60	108.70	110.50	111.40	111.70	113.40	114.10
7 3/8	29.25	160.60	160.70	162.50	163.40	163.70	165.40	166.10
8 3/8	30.60	224.20	224.30	226.10	227.00	227.30	229.00	229.70
8 3/8	46.50	271.70	271.80	273.60	274.50	274.80	276.50	277.20

(e) *Extras.* (1) Whenever, at the request of the consumer, pipe is coated with asphalt; or wrapped with a protective coating; or cut to lengths of 12 feet and under; or cut to lengths of 12 feet and under and threaded; an extra charge may be made for each such service. Such charge or charges may not exceed the charge or charges that the seller customarily made for such service or services during the period August 15 to October 15, 1941.

No extra charge or charges may be made unless each such charge is listed as a separate item on the invoice.

(2) No extra charge or charges authorized in subparagraph (1) of this paragraph may be made unless the seller files with the Office of Price Administration, Washington, D. C., before November 30, 1942, a complete and detailed report under oath, setting forth the charge or charges which the seller customarily made during the period August 15 to October 15, 1941, for each service mem-

tioned in subparagraph (1) of this paragraph.

(f) *Maximum delivery charges.* The charges that may be added to the maximum shipping point price for transporting any grade of pipe may not exceed the applicable charges authorized below. In no case may any charge or cost incurred in placing the pipe at its shipping point or in unloading the pipe at the point of delivery be added to the delivery charge. No delivery charge shall be made unless such charge is listed as a separate item on the invoice.

Pipe is at its point of delivery when it has arrived for unloading at the point designated by the buyer as his receiving point: *Provided, however,* That where the buyer has designated a point away from a railroad siding and delivery is by rail, the pipe is at its point of delivery when it has arrived for unloading at the rail siding nearest the point designated by the buyer as his receiving point.

(1) *Where transportation from shipping point to point of delivery is wholly or partially by rail, vessel, or combination,* the maximum delivery charge shall be the established charge for transporting the pipe from the shipping point to the point of delivery by the mode of transportation employed.

Where transportation from shipping point to point of delivery includes water movement, if no established charge exists for such water movement, then the actual charge incurred in such water movement may be included in the delivery charge.

Where transportation from shipping point to point of delivery includes water movement and there are no established dock charges, the actual charges incurred at the dock may be included in the delivery charge.

(2) *Where transportation from shipping point to point of delivery is solely by motor vehicle.* (1) Where transportation is by public carrier, the maximum

delivery charge shall be the established public carrier charge for transporting the pipe by motor vehicle from the shipping point to the point of delivery.

(f) Where transportation is by other than public carrier, the maximum delivery charge shall be the charge for transporting the pipe at the established rail carload rate for the lowest minimum weight from the rail siding nearest the shipping point to the rail siding nearest the point of delivery.

(g) *Maximum delivered prices.* The maximum delivered price for any pipe governed by this Maximum Price Regulation No. 230 shall not exceed the applicable maximum shipping point price established in paragraph (c) or (d) of this section, plus the extra charges, if any are allowable, under paragraph (e) of this section, plus the applicable delivery charge authorized under paragraph (f) of this section.

Issued this 28th day of September 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-9656; Filed, September 28, 1942;  
1:19 p. m.]

#### PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

[Amendment 1 to Maximum Price Regulation 229<sup>1</sup>]

#### RETAIL AND WHOLESALE PRICES FOR VICTORY LINE WATERPROOF RUBBER FOOTWEAR

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.\*

The words "per pair" are added to the title of § 1315.1713 and a new § 1315.1712a is added, as set forth below:

§ 1315.1713 *Appendix A: Table of maximum prices per pair of Victory Line Footwear.* \* \* \*

§ 1315.1712a *Effective dates of amendments.* (a) Amendment No. 1 (§§ 1315.1712a, 1315.1713) to Maximum Price Regulation No. 229 shall become effective September 29, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 28th day of September 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-9657; Filed, September 28, 1942;  
1:19 p. m.]

#### PART 1341—CANNED AND PRESERVED FOODS

[Amendment 2 to Maximum Price Regulation 197<sup>2</sup>]

#### CANNED FRUITS AND CANNED BERRIES AT WHOLESALE AND RETAIL

A statement of the considerations involved in the issuance of this amend-

ment has been issued simultaneously herewith and filed with the Division of the Federal Register.\*

Subparagraphs (4) and (5) are added to § 1341.155 (a); § 1341.164 is amended and paragraph (b) is added to § 1341.172 as set forth below:

§ 1341.155 *Maximum prices for canned Cuban pineapple and canned Cuban pineapple juice.* (a) \* \* \*

(4) In the event that an importer of canned Cuban pineapple or canned Cuban pineapple juice cannot establish a maximum price for any grade and container size under the foregoing paragraphs of this section, his maximum price shall be the maximum price of such grade and container size established by the importer who is his most closely competitive seller. His most closely competitive seller is an importer located nearest to him who has determined a maximum price for such grade and container size. The importer shall report any maximum price thus established to the Office of Price Administration, Washington, D. C., within ten days.

(5) If the importer's maximum price cannot be established pursuant to the foregoing provisions of this section, the importer may apply to the Office of Price Administration, Washington, D. C., for specific authorization of a maximum price. Such application shall be under oath or affirmation and shall contain a detailed description of the grade and container size for which a maximum price is sought and a statement of the facts which differentiate such grade and container size from the most similar grade and container size for which he has determined a maximum price, stating such most similar grade and container size and the maximum price determined therefor.

§ 1341.164 *Marking, posting and filing by retailers; applicability of the marking, posting and filing provisions of the General Maximum Price Regulation.*

(a) The marking, posting and filing provisions of § 1499.13 of the General Maximum Price Regulation are applicable to every person selling at retail any canned fruits or canned fruit juices referred to in that section or in Appendix B of the General Maximum Price Regulation.

(b) Each retailer who adjusts his maximum price on canned peaches, canned pears, canned pineapple or canned pineapple juice, pursuant to the provisions of this Maximum Price Regulation No. 197, shall file with the appropriate War Price and Rationing Board of the Office of Price Administration a statement or statements showing each such adjustment. Such statement or statements shall be filed on or before the tenth day of the month following the month in which the maximum price was so adjusted. Each such statement may contain the required information for one or more of such commodities and shall contain an appropriate description or identification of each such commodity.

§ 1341.172 *Effective dates of amendments.* \* \* \*

(b) Amendment No. 2 (§ 1341.155 (a) (4) and (a) (5), §§ 1341.164 and 1341.172 (b)) to Maximum Price Regulation No. 197 shall become effective on October 3, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 28th day of September 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-9658; Filed, September 28, 1942;  
1:18 p. m.]

#### PART 1351—FOOD AND FOOD PRODUCTS

[Amendment 1 to Maximum Price Regulation 150 as Amended<sup>1</sup>]

#### MILLED RICE

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.\*

In paragraph (d) of § 1351.464, subparagraph (3) is revoked and subparagraph (4) is redesignated (3) and amended to read as set forth below.

§ 1351.464 *Appendix A: Maximum prices for milled rice.* \* \* \*

(d) *All other maximum delivered prices.* \* \* \*

(3) In determining the transportation charges pursuant to the provisions of subparagraph (1) of this paragraph, where a shipment originates in a place outside of a base point and actually moves at a carload rate, the maximum transportation charge to be added shall be computed at the lowest railroad carload rate from the applicable base point to the point of destination. Where coastwise or intercoastal shipments are made by water, the maximum delivered prices may be increased further by the addition of charges for war risk cargo insurance, surcharges and emergency charges necessarily incident to the transportation, where actually incurred by the seller. Within the meaning of this paragraph (d) the applicable base point shall be that base point from which the lowest established rate for transportation of milled rice applies to the seller's mill, and the point of destination shall be f. o. b. conveyance at the dock or siding at or in the vicinity of the buyer's warehouse or place of business or some other point designated by the buyer if the shipment actually moves to such other point directly from the mill point.

§ 1351.463 *Effective dates of amendments.* \* \* \*

(b) Amendment No. 1 (§ 1351.464 (d)) to Maximum Price Regulation No. 150, as amended, shall become effective October 3d, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 28th day of September 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-9659; Filed, September 28, 1942;  
1:17 p. m.]

<sup>1</sup> 7 F.R. 6602.

\*Copies may be obtained from the Office of Price Administration.

<sup>1</sup> *Infra.*

<sup>2</sup> 7 F.R. 5989, 7403.

## PART 1390—MACHINERY AND TRANSPORTATION EQUIPMENT

[Amendment 21 to Maximum Price Regulation 136<sup>1</sup> as Amended]

## MACHINES AND PARTS AND MACHINERY SERVICES

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.\*

New subparagraph (15) is added to § 1390.25 (c) and new paragraph (u) is added to § 1390.31a as set forth below:

§ 1390.25 *Petitions for amendment or adjustment.* \* \* \*

(c) *Amendments.* \* \* \*

(15) *Micro-Westco, Inc.* Notwithstanding the provisions of § 1390.9 the maximum charge applicable to the servicing of machines by Micro-Westco, Inc., Bettendorf, Iowa, shall be at the rate of \$2.65 per hour, including travel-time when performed during the regular hours of the working day.

§ 1390.31a *Effective dates of amendments.* \* \* \*

(u) Amendment No. 21 (§ 1390.25 (c) (15)) to Maximum Price Regulation No. 136, as amended, shall become effective October 3, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 28th day of September 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-9660; Filed, September 28, 1942; 1:18 p. m.]

## PART 1499—COMMODITIES AND SERVICES

[Amendment 30 to Supplementary Regulation 1<sup>2</sup> of the General Maximum Price Regulation]

## MANUFACTURE OF FURFURAL

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.\*

Subparagraph (25) of paragraph (a) of § 1499.26 is amended, and subdivision (vii) of subparagraph (25) is redesignated (viii) and a new subdivision (vii) is added, all to read as set forth below:

§ 1499.26 *Exceptions for certain commodities and certain sales and deliveries.* (a) General Maximum Price Regulation

\* Copies may be obtained from the Office of Price Administration.

<sup>1</sup> 7 F. R. 5047, 5362, 5665, 5908, 6425, 6682, 6899, 6964, 6965, 6937, 6973, 7010, 7246, 7320, 7365, 7509.

<sup>2</sup> 7 F. R. 3158, 3488, 3892, 4183, 4410, 4428, 4487, 4488, 4493, 4669, 5066, 5192, 5276, 5366, 5484, 5607, 5717, 5942, 6082, 6473, 6685, 7011, 7250, 7317.

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shall not apply to any sale or delivery of the following commodities:

(25) Aviation gasoline and components, synthetic rubber and components, toluene manufactured from petroleum, and agricultural components used in the manufacture of furfural.

(vii) The following to the extent sold or delivered for use in the manufacture of furfural: Agricultural components of furfural including but not limited to oat hulls, cottonseed hulls, and cottonseed hull bran.

(e) *Effective dates.* \* \* \*

(31) Amendment No. 30 (§ 1499.26) (a) (25)) to Supplementary Regulation No. 1 shall become effective October 3, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 28th day of September 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-9654; Filed, September 28, 1942; 1:17 p. m.]

(Dollars per gross ton)

	6% approximate carbon, 12-14% silicon	24% maximum carbon, 14-15% silicon	2% maximum carbon, 15-20% silicon	14% maximum carbon, 17-20% silicon	1% maximum carbon, 20-25% silicon
Carload lots, bulk.....	\$150.00	\$123.00	\$150.00	\$133.00	\$140.00
Carload lots, packed.....	127.00	132.00	137.00	142.00	147.00
Gross ton lots, packed.....	132.00	137.00	142.00	147.00	152.00
Less than gross ton lots:					
Down to 200 pounds packed.....	123.00	141.00	142.00	151.00	152.00
Less than 200 pounds packed.....	149.00	141.00	150.00	153.00	159.00
Crushed to specified mesh.....					

Premiums prevailing during March, 1942.

(ii) The seller's maximum price for silicomanganese, crushed and pressed into briquettes weighing approximately 3½ pounds, with binding material, and containing 2 pounds of manganese and ½ pound of silicon by weight, shall be:

	Cents per lb. of briquettes
Carload lots, bulk.....	6.80
Carload lots, packed.....	6.05
Gross ton lots, packed.....	6.30
Less than gross ton lots:	
Down to 200 lbs., packed.....	6.85
Less than 200 lbs., packed.....	6.80

(iii) The maximum prices set forth above are f. o. b. seller's shipping point with an allowance for railway freight charges to point of destination: *Provided*, That this allowance need not be in excess of railway freight charges from seller's shipping point to St. Louis, Missouri.

(iv) The maximum prices set forth above shall not be increased by any charges for the extension of credit. On spot sales these maximum prices may be increased by \$5.00 per gross ton of silicomanganese and ¼¢ per pound of silicomanganese briquette.

(b) *Effective date.* \* \* \*

(34) Amendment No. 33 (§ 1499.73 (a) (30)) to Supplementary Regulation No. 14 shall become effective October 3, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 28th day of September 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-9661; Filed, September 28, 1942; 1:17 p. m.]

## PART 1499—COMMODITIES AND SERVICES

[Amendment 33 to Supplementary Regulation 14<sup>1</sup> to General Maximum Price Regulation<sup>2</sup>]

## SILICOMANGANESE

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.\*

A new subparagraph (30) is added to paragraph (a) of § 1499.73 as set forth below.

§ 1499.73 *Modification of maximum prices established by § 1499.2 of General Maximum Price Regulation for certain commodities, services and transactions.* (a) The maximum prices established by § 1499.2 of the General Maximum Price Regulation for the commodities, services and transactions listed below are modified as hereinafter provided:

(30) *Silicomanganese.* (i) The seller's maximum price for silicomanganese, containing 65% to 70% manganese by weight, shall be the price set forth below for the applicable grade:

## PART 1499—COMMODITIES AND SERVICES

[Order 89 Under § 1499.3 (b) of General Maximum Price Regulation]

E. I. DU PONT DE NEMOURS AND CO.

For the reasons set forth in an opinion issued simultaneously herewith, it is ordered:

§ 1499.294 *Maximum prices for sales of segregated moisture-proof baled cellophane scrap by E. I. du Pont de Nemours & Company of Wilmington, Delaware.*

(a) On and after September 29, the maximum prices for sales from any cellophane plant operated by E. I. du Pont de Nemours & Company of Wilmington, Delaware, of 100% moisture-proof heat-sealing type, cellophane scrap packed in 75 to 85 pound bales, shall be the following:

7½¢ per pound in carload lots, f. o. b. cellophane plant at which collection of the scrap has been made.

8¢ per pound in less than carload lots, f. o. b. cellophane plant at which collection of the scrap has been made.

(b) All discounts, allowances, and trade practices in effect with respect to the above listed commodity during March 1942 by the seller shall remain in effect under this order.

<sup>1</sup> 7 F. R. 5420, 5703, 5911, 6003, 6271, 6369, 6473, 6477, 6774, 6775, 6776, 6793, 6837, 6392, 6339, 6365, 7011, 7012, 7203, 7250, 7283, 7365, 7400, 7401, 7453, 7510, 7511, 7535, 7536, 7538.

<sup>2</sup> 7 F. R. 3153, 3330, 3666, 3930, 3991, 4339, 4487, 4639, 4738, 5027, 5192, 5276, 5365, 5445, 5484, 5585, 5775, 5783, 5784, 6007, 6053, 6031, 6216, 6315, 6794, 6939, 7093, 7322, 7454.

(c) This Order No. 80 may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 80 (§ 1499.294) shall become effective September 29, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 28th day of September 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-9655; Filed, September 28, 1942;  
1:18 p. m.]

**PART 1315—RUBBER AND PRODUCTS AND  
MATERIALS OF WHICH RUBBER IS A  
COMPONENT**

[Maximum Price Regulation 229]

**RETAIL AND WHOLESALE PRICES FOR VICTORY  
LINE WATERPROOF RUBBER FOOTWEAR**

In the judgment of the Price Administrator, it is necessary and proper to establish maximum prices for the sale at retail and wholesale of victory line waterproof rubber footwear because such footwear was not generally sold at retail or wholesale in March 1942.

In the judgment of the Price Administrator the maximum prices established by this regulation are and will be generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942. A statement of the considerations involved in the issuance of this regulation is issued simultaneously herewith and has been filed with the Division of the Federal Register.\*

Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, Maximum Price Regulation No. 229 is hereby issued.

**Sec.**

- 1315.1701 Applicability of this Maximum Price Regulation No. 229.
- 1315.1702 Maximum retail and wholesale prices for victory line footwear.
- 1315.1703 Maximum prices for sales at retail of victory line footwear.
- 1315.1704 Maximum prices for sales of victory line footwear at wholesale.
- 1315.1705 Adjustment of maximum prices for different classes of purchasers.
- 1315.1706 Records.
- 1315.1707 Relation between Maximum Price Regulation No. 229 and the General Maximum Price Regulation.
- 1315.1708 Less than maximum prices.
- 1315.1709 Evasion.
- 1315.1710 Enforcement.
- 1315.1711 Definitions.
- 1315.1712 Effective date.
- 1315.1713 Appendix A: Maximum prices of victory line footwear.
- 1315.1714 Appendix B: Sections of the General Maximum Price Regulation incorporated into this Maximum Price Regulation No. 229.

Authority: §§ 1315.1701 to 1315.1714, inclusive, issued under Pub. Law 421, 77th Cong.

\*Copies may be obtained from the Office of Price Administration.

§ 1315.1701 *Applicability of this Maximum Price Regulation No. 229.—(a) What waterproof rubber footwear must be priced under this regulation.* This regulation applies to waterproof rubber footwear produced on and after February 11, 1942 (the effective date of War Production Board Supplementary Order No. M-15-b-1) which will be called "victory line footwear" in this regulation. This regulation does not apply to waterproof rubber footwear produced before February 11, 1942, the maximum prices of which are established by the General Maximum Price Regulation nor to sales and deliveries of waterproof rubber footwear made in accordance with military specification if that footwear is sold pursuant to contract with: (1) any war procurement agency of the United States Government; or (2) any person who contracts to sell the purchased footwear to any war procurement agency of the United States Government.

(b) *To what types of sellers this regulation applies.* This regulation applies to all sellers, other than manufacturers of footwear, who sell at retail or at wholesale.

(c) *Geographical applicability of this regulation.* This regulation applies to the continental United States and the District of Columbia, but not to the territories and possessions of the United States.

(d) *Effect of this regulation.* This regulation establishes maximum prices for victory line waterproof rubber footwear. On and after September 29, 1942, the date this regulation takes effect, regardless of any contract or other obligation, no person is permitted to sell or deliver at retail or wholesale any victory line waterproof rubber footwear at a price which is higher than the maximum price fixed by this regulation, and no person is permitted to buy or receive any victory line waterproof rubber footwear in the course of trade or business at a price which is higher than the maximum price.

§ 1315.1702 *Maximum retail and wholesale prices for victory line footwear.* The maximum retail prices of victory line footwear must be determined in accordance with § 1315.1703. The maximum wholesale prices of victory line footwear must be determined in accordance with § 1315.1704. These prices are set forth in Appendix A, incorporated herein as § 1315.1713. The seller must determine the maximum price for a particular type and brand of footwear before he first offers it for sale. Once the seller has determined his maximum price for a particular type and brand of footwear, that price is his maximum thereafter.

§ 1315.1703 *Maximum prices for sales at retail of Victory line footwear.—(a) Method of determining the maximum price.* The seller should first determine the "net price at which he purchased the type and brand of footwear he is pricing," as defined in paragraph (b) of this section. The seller should then compare that cost figure with the price stated in Appendix A for sales at wholesale of that type of footwear. If it is the same as or greater than the price stated in Appendix

A, the maximum price is stated under the column in Appendix A entitled "Class I." If it is below the price stated in Appendix A by 10% or by less than 10%, the maximum price is also stated under the column in Appendix A entitled "Class I." If it is below the price stated in Appendix A by more than 10% but less than 16%, the maximum price is stated under the column in Appendix A entitled "Class II." If it is below the price stated in Appendix A by 16% or more but by less than 21%, the maximum price is stated under the column in Appendix A entitled "Class III." If it is below the price stated in Appendix A by 21% or more, the maximum price is stated under the column in Appendix A entitled "Class IV" except that for sales of footwear by mail purchased by mail order houses at this net price, the maximum price is stated under the column in Appendix A entitled "Class V."

(b) *Meaning of "the net price at which the seller purchased the footwear he is pricing".* When used in this section "the net price at which the seller purchased the footwear he is pricing" means the lowest price (less all discounts except cash discount) at which the seller purchased that type and brand of footwear during the period February 11 to September 29, 1942. If, during the period February 11 to September 29, 1942, the seller did not purchase the type and brand of footwear he is pricing, or if he was not in business during that period, the net price at which the seller purchased the footwear he is pricing means the price (less all discounts except cash discount) at which he first purchased that type and brand of footwear after September 28, 1942.

§ 1315.1704 *Maximum prices for sales of victory line footwear at wholesale.* The maximum price for sales of victory line footwear at wholesale is the price stated in Appendix A for sales at wholesale of the type of footwear being priced.

§ 1315.1705 *Adjustment of maximum prices for different classes of purchasers.* In case the seller at retail had a practice during the period July 1 to October 25, 1941, inclusive, or in case the seller at wholesale had a practice during the period April 1 to October 25, 1941, inclusive, of giving to different classes of purchasers allowances, discounts or other price differentials, he is required to continue that practice and his maximum price calculated for footwear must be reduced by the seller to reflect such allowances, discounts and other price differentials. No seller shall change his customary allowances, discounts and price differentials if the change results in a higher net price.

§ 1315.1706 *Records.* To aid in the enforcement of this regulation every seller is required to keep certain records for inspection by the Office of Price Administration. These records are described in three paragraphs as follows:

(a) *Records of purchases and sales.* The seller must preserve all existing records showing his purchases of each type and brand of victory line footwear.

(b) *Records of calculations made by the seller in setting each maximum price.*



The seller must prepare and preserve (in a form which will permit filing on demand with the Office of Price Administration) records showing the basis on which the seller set each maximum price.

(c) *Customary records of prices charged.* The seller must continue to keep records of the same kind as he has customarily kept showing the prices actually charged by him for victory line footwear which he sells after the effective date of this regulation.

§ 1315.1707 *Relation between Maximum Price Regulation No. 229 and the General Maximum Price Regulation.* (a) Maximum prices previously set under the General Maximum Price Regulation will not apply to victory line footwear which is sold or delivered on and after September 29, 1942. All such footwear must be priced under this regulation and not under the General Maximum Price Regulation. However, the following sections of the General Maximum Price Regulation are made a part of this regulation and the seller must comply with them:

(1) Transfers of business or stock in trade (§ 1499.5).<sup>1</sup>

(2) Sales for export (§ 1499.6).<sup>2</sup>

(3) Federal and state taxes (§ 1499.7).<sup>3</sup>

(4) Maximum prices of cost-of-living commodities: statement, marking or posting (§ 1499.13).<sup>4</sup>

(5) Sales slips and receipts (§ 1499.14).<sup>5</sup>

(6) Applications for adjustment (§ 1499.18).<sup>6</sup>

(7) Petitions for amendment (§ 1499.19).<sup>7</sup>

Any amendments to these sections are automatically applicable to this Maximum Price Regulation No. 229. In applying these sections the words "Maximum Price Regulation No. 229" should be substituted for the words "General Maximum Price Regulation." The text of these sections is set forth in Appendix B, incorporated herein as § 1315.1714.

(b) The registration and licensing provisions of §§ 1499.15 and 1499.16 of the General Maximum Price Regulation shall apply to every person selling victory line footwear at wholesale or retail.

§ 1315.1708 *Less than maximum prices.* Lower prices than those established by this Maximum Price Regulation No. 229 may be charged, demanded, paid or offered.

§ 1315.1709 *Evasion.* The price limitations set forth in this Maximum Price Regulation No. 229 shall not be evaded, whether by direct or indirect methods, in connection with any offer, solicitation, agreement, sale, delivery, purchase or receipt of or relating to victory line footwear, alone or in conjunction with any other commodity or by way of commission, service, transportation, or any other

charge, discount, premium, or other privilege, or by tying-agreement or other trade understanding, or otherwise.

§ 1315.1710 *Enforcement.* Persons violating any provision of this Maximum Price Regulation No. 229 are subject to the criminal penalties, civil enforcement actions, suits for treble damages and proceedings for suspension of licenses provided by the Emergency Price Control Act of 1942.

§ 1315.1711 *Definitions.* (a) When used in this Maximum Price Regulation No. 229, the term:

(1) "Footwear" means waterproof rubber footwear produced on and after February 11, 1942.

(2) "War procurement agency" means the War Department, the Department of the Navy, the United States Maritime Commission, and the Lend-Lease Section in the Procurement Division of the Treasury Department, or any agency of any of the foregoing.

(b) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942 and in § 1499.20 of the General Maximum Price Regulation shall apply to other terms used herein.

§ 1315.1712 *Effective date.* This Maximum Price Regulation No. 229 (§§ 1315.1701 to 1315.1714, inclusive) shall become effective September 29, 1942.

§ 1315.1713 *Appendix A: Table of maximum prices of Victory line footwear<sup>2</sup>*

Type	Sales at wholesale <sup>1</sup>	Sales at retail <sup>1</sup>				
		Class I	Class II	Class III	Class IV	Class V
Boots—Other than severe occupational:						
Men's short 14".....	\$2.09	\$3.09	\$3.09	\$3.43	\$3.20	\$3.12
Men's short 15 1/2".....	2.75	4.13	3.91	3.69	3.40	3.29
Women's short.....	2.29	3.45	3.27	3.03	2.92	2.76
Men's stormking.....	4.05	6.03	5.75	5.43	5.14	4.83
Men's hip.....	4.05	6.03	5.69	5.23	5.01	5.53
Pacs—Other than severe occupational:						
Men's 12" top lace pac.....	3.49	4.89	4.54	4.29	4.05	3.84
Men's lumberman's overs, half heel (rubber part only).....	2.09	3.09	2.84	2.63	2.54	2.49
Articles:						
Men's 5-buckle rubber midweight tal.....	3.15	4.73	4.47	4.22	4.00	3.73
Men's 4-buckle rubber midweight tal.....	2.75	4.13	3.91	3.69	3.40	3.29
Men's 4-buckle cloth farmweight blucher.....	2.75	4.13	3.91	3.69	3.40	3.29
Men's 4-buckle light lightweight tal-rubber.....						
a—Buckle.....	2.29	3.45	3.27	3.03	2.92	2.76
b—Strap.....	2.25	3.33	3.20	3.02	2.85	2.70
c—Slide.....	2.05	3.03	3.05	3.05	3.37	3.13
Boys' 3-buckle lightweight tal-rubber.....	2.09	3.09	2.84	2.63	2.54	2.40
Youth's 3-buckle lightweight tal-rubber.....	1.85	2.75	2.63	2.43	2.35	2.22
Women's 4-buckle light lightweight tal-rubber (10-inch style or utility test):						
a—Buckle.....	2.05	3.03	2.91	2.75	2.60	2.45
b—Strap.....	1.89	2.70	2.55	2.41	2.29	2.16
Men's 4-buckle lightweight tal-cloth.....	2.05	3.03	3.05	3.05	3.37	3.13
Boys' 3-buckle cloth:						
a—Cashmerette.....	2.29	3.40	3.12	2.95	2.70	2.64
b—Jersey.....	2.09	3.09	2.84	2.63	2.54	2.40
Youth's 3-buckle cloth:						
a—Cashmerette.....	2.09	3.09	2.84	2.63	2.54	2.40
b—Jersey.....	1.85	2.75	2.63	2.43	2.35	2.22
Utility test, calendered rubber:						
a—Women's rubber 6 1/4" height.....	1.65	2.43	2.34	2.21	2.10	1.93
b—Women's cloth 6" height.....	1.69	2.70	2.55	2.41	2.29	2.16

<sup>1</sup> The prices set forth in this table are subject to discounts and allowances as set forth in § 1315.1705.

<sup>2</sup> (a) A sum not exceeding the following may be added to the prices set forth in the table for sales at wholesale if the footwear in question is made with a stitched replaceable outsole:

Gender:	Sum permitted to be added
Men's.....	\$0.12
Boys'.....	.10
Youth's.....	.03
Women's.....	.10
Misses'.....	.03
Child's.....	.07

(b) \$0.15 per pair may be added to the prices set forth in the table for sales at wholesale of men's footwear if hobnails and toe and heel cleats are affixed thereto.

<sup>3</sup> (a) A sum not exceeding the following may be added to the prices set forth in the table for sales at retail if the footwear in question is made with a stitched replaceable outsole:

Gender:	Sum permitted to be added
Men's.....	\$0.13
Boys'.....	.15
Youth's.....	.12
Women's.....	.15
Misses'.....	.12
Child's.....	.10

(b) \$0.22 per pair may be added to the prices set forth in the table for sales at retail of men's footwear if hobnails and toe and heel cleats are affixed thereto.

<sup>1</sup> *Infra*, § 1315.1714.

Type	Sales at whole-sale <sup>1</sup>	Sales at retail <sup>2</sup>				
		Class I	Class II	Class III	Class IV	Class V
<b>Arctics—Continued.</b>						
c—Misses' cloth 7½" height.....	\$1.72	\$2.58	\$2.44	\$2.30	\$2.18	\$2.06
d—Child's cloth 7" height.....	1.63	2.45	2.31	2.18	2.07	1.96
<b>Gaiters:</b>						
Women's 2-snap height rubber:						
a—Snap.....	1.15	1.73	1.63	1.54	1.46	1.38
b—Slide.....	1.50	2.25	2.13	2.01	1.91	1.80
Misses' 2-snap rubber.....	1.12	1.68	1.59	1.50	1.42	1.34
Child's 2-snap rubber.....	1.09	1.64	1.55	1.46	1.38	1.31
<b>Rubbers:</b>						
Men's work rubbers, storms and/or semi-storms.....	1.25	1.88	1.78	1.68	1.59	1.50
Boys' work rubbers, storms and/or semi-storms.....	1.20	1.80	1.70	1.61	1.52	1.44
Men's storms and/or S. A. overs (full lined).....	1.10	1.65	1.56	1.47	1.40	1.32
Boys' storms and overs (full lined).....	1.00	1.50	1.42	1.34	1.27	1.20
Youths' storms and overs (full lined).....	.90	1.35	1.28	1.21	1.14	1.08
Women's overs (full lined).....	.88	1.32	1.25	1.18	1.12	1.06
Growing girls' storms (full lined).....	.88	1.32	1.25	1.18	1.12	1.06
Misses' storms (full lined).....	.80	1.20	1.14	1.07	1.02	.96
Child's storms (full lined).....	.73	1.10	1.04	.98	.93	.88
Women's footholds, calendered sole.....	.58	.87	.82	.78	.74	.70
<b>Rubbers, special construction:</b>						
Men's sandal, molded.....	.85	1.28	1.21	1.14	1.08	1.02
Men's clog, molded.....	.67	1.01	.95	.90	.85	.80
Women's footholds, molded.....	.21	.32	.30	.28	.27	.25
Women's footholds, latex, black, including pouch.....	.792	1.19	1.12	1.06	1.01	.95
Women's footholds, latex, spotted, including pouch.....	.917	1.38	1.30	1.23	1.16	1.10
<b>Severe occupational:</b>						
Men's black short boot.....	3.15	4.73	4.47	4.22	4.00	3.78
Men's black short boot, steel toe.....	3.65	5.48	5.18	4.89	4.64	4.38
Men's black stormking boot.....	4.45	6.68	6.32	5.96	5.65	5.34
Men's black stormking boot, steel toe.....	4.95	7.43	7.03	6.63	6.29	5.94
Men's black short fire fighter boot:						
a—Duck.....	4.65	6.98	6.60	6.23	5.91	5.58
b—Felt.....	5.25	7.88	7.46	7.04	6.67	6.30
Men's black stormking fire fighter boot:						
a, Duck.....	6.15	9.23	8.73	8.24	7.81	7.38
b, Felt.....	6.75	10.13	9.59	9.05	8.57	8.10
Men's black hip boot.....	5.05	7.58	7.17	6.77	6.41	6.06
Men's black hip boot, steel toe.....	5.55	8.33	7.88	7.44	7.05	6.65
Men's black body boot.....	12.00	18.00	17.04	16.08	15.24	14.40
Men's black 16" lace mine pac.....	4.15	6.23	5.89	5.56	5.27	4.98
Men's black 16" lace mine pac, steel toe.....	4.65	6.93	6.60	6.23	5.91	5.58
Men's black work shoe.....	3.00	4.50	4.26	4.02	3.81	3.60
Men's black work shoe, steel toe.....	3.50	5.25	4.97	4.69	4.45	4.20
Men's black 2-buckle perfections.....	2.80	4.20	3.98	3.75	3.56	3.36
<b>Neoprene coated, par-grip sole:</b>						
Men's short boot, steel toe.....	4.40	6.60	6.25	5.90	5.59	5.28
Men's stormking, steel toe.....	5.95	8.93	8.45	7.97	7.56	7.14
Men's hip boot, steel toe.....	6.65	9.98	9.44	8.91	8.45	7.98
Men's rubber work shoe, steel toe.....	3.90	5.85	5.54	5.23	4.95	4.68

§ 1315.1714 *Appendix B: Sections of the General Maximum Price Regulation<sup>1</sup> incorporated into this Maximum Price Regulation No. 229.* The following sections of the General Maximum Price Regulation have been incorporated by reference into this Maximum Price Regulation No. 229. Any amendments to these sections are automatically applicable to this Maximum Price Regulation No. 229. These sections provide as follows:

§ 1499.5 *Transfers of business or stock in trade.* If the business, assets or stock in trade of any business are sold or otherwise transferred after April 28, 1942, and the transferee carries on the business, or continues to deal in the same type of commodities or services, in an establishment separately from any other establishment previously owned or operated by him, the maximum prices of the transferee shall be the same as those to which his transferor would have been subject if no such transfer had taken place, and his obligation to keep records sufficient to verify such prices shall be the same. The transferor shall either preserve and make available, or turn over, to the transferee all records of transactions

prior to the transfer which are necessary to enable the transferee to comply with the record provisions of this Regulation.

§ 1499.6 *Sales for export.* The maximum price at which a person may export any commodity shall be determined in accordance with the provisions of the Maximum Export Price Regulation issued by the Office of Price Administration on April 25, 1942.

§ 1499.7 *Federal and state taxes.* Any tax upon, or incident to, the sale, delivery, processing, or use of a commodity, or the supplying of a service, imposed by any statute of the United States or statute or ordinance of any state or subdivision thereof, shall be treated as follows in determining the seller's maximum price for such commodity or service and in preparing the records of such seller with respect thereto:

(a) *As to a tax in effect during March 1942.*

(1) If the seller paid such tax, or if the tax was paid by any prior vendor, irrespective of whether the amount thereof was separately stated and collected from the seller, but the seller did not customarily state and collect separately from the purchase price during March 1942 the amount of the tax paid by him or tax reimbursement collected from him by his vendor, the seller may not collect such amount in addition to the maximum price, and in such case shall include such amount in determining the maximum price under this General Maximum Price Regulation.

(2) In all other cases if, at the time the seller determines his maximum price, the stat-

ute or ordinance imposing such tax does not prohibit the seller from stating and collecting the tax separately from the purchase price, and the seller does state it separately, the seller may collect, in addition to the maximum price, the amount of the tax actually paid by him or an amount equal to the amount of tax paid by any prior vendor and separately stated and collected from the seller by the vendor from whom he purchased, and in such case the seller shall not include such amount in determining the maximum price under this General Maximum Price Regulation.

(b) *As to a tax or increase in a tax which becomes effective after March 31, 1942.* If the statute or ordinance imposing such tax or increase does not prohibit the seller from stating and collecting the tax or increase separately from the purchase price, and the seller does separately state it, the seller may collect, in addition to the maximum price, the amount of the tax or increase actually paid by him or an amount equal to the amount of tax paid by any prior vendor and separately stated and collected from the seller by the vendor from whom he purchased.

§ 1499.13 *Maximum prices of cost-of-living commodities: statement, marking, or posting.* For the purposes of this section, a cost-of-living commodity is any commodity designated as such by the Price Administrator. A list of the classes of commodities so designated appears in Appendix B of this Regulation. (Rubber footwear is included in Appendix B.)

(a) On and after May 18, 1942, every person offering to sell a cost-of-living commodity at retail shall mark the maximum price of such commodity in a manner plainly visible to, and understandable by, the purchasing public. The maximum price may be marked on the commodity itself or on the shelf, bin, rack, or other holder or container upon or in which the commodity is kept, or it may be posted at the place in the business establishment where the commodity is offered for sale. *Provided,* That whichever of the above methods of posting is adopted, the maximum price of each commodity offered for sale shall be plainly visible to the purchaser at the place in the business establishment where the commodity is offered for sale, and shall not be obscured by the posted prices of other commodities, whether by use of price books or catalogs or layers of price lists or otherwise or in any other manner. The maximum price shall be stated as follows, "Ceiling Price \$—;—" or "Our Ceiling \$—;—" Any person choosing to post by price-lines the maximum prices of commodities in the classifications marked by asterisks in Appendix B, shall post the maximum price by price-line at the place in the business establishment where the commodities in such price-line are offered for sale, and, in addition, shall mark the selling price of each such commodity on the commodity itself.

(1) Every mail order establishment selling commodities at retail shall in place of the above requirements post its maximum prices for cost-of-living commodities in one of the following manners in catalogs or flyers published after the effective date of this amendment.

(i) State the maximum price for each cost-of-living commodity listed in each catalog or flyer issued by it at the place in the catalog or flyer where such commodity is listed. The maximum prices shall be stated substantially as follows: "Ceiling price \$—;—" or "Our ceiling \$—;—" or,

(ii) Print on the front cover, or on the page immediately following, of all catalogs or flyers hereafter issued, substantially the following statement: "All the prices in the present catalog are our ceiling prices with the ex-

<sup>1</sup> 7 F.R. 3153, 3330, 3666, 3990, 3991, 4339, 4487, 4659, 4738, 5027, 5192, 5276, 5365, 5445, 5486, 5565, 5575, 5783, 5784, 6007, 6058, 6081, 6210.

ception of" (here shall follow a list of the commodities offered for sale below the ceiling prices, and the ceiling prices of such commodities, or the purchaser may be referred to another page in the catalog or flyer on which such a list appears).

(2) Any mail order establishment may apply to the Office of Price Administration for permission to deviate from the requirements in subparagraph (1). The application shall state why such requirements are inequitable or inappropriate as applied to the applicant's business, and shall show that the requested method of posting is substantially in line with the requirements of posting for mail order establishments set forth in subparagraph (1).

(b) On or before July 1, 1942, every person offering to sell cost-of-living commodities at retail shall file with the appropriate War Price and Rationing Board of the Office of Price Administration a statement showing his maximum price for each such commodity, together with an appropriate description or identification of it. Such statement shall be kept up to date by such person by filing on the tenth day of every succeeding month a statement of his maximum price for any cost-of-living commodity newly offered for sale during the previous month, together with an appropriate description or identification of the commodity.

§ 1499.14 *Sales slips and receipts.* Any seller who has customarily given a purchaser a sales slip, receipt, or similar evidence of purchase shall continue to do so. Upon request from a purchaser any seller, regardless of previous custom, shall give the purchaser a receipt showing the date, the name and address of the seller, the name of each commodity or service sold, and the price received for it.

§ 1499.18 *Applications for adjustment.* (a) The Office of Price Administration, or any duly authorized officer thereof, may by order adjust the maximum price established under this General Maximum Price Regulation for any seller at retail in any case in which such seller shows:

(1) That such maximum price is abnormally low in relation to the maximum prices of the same or similar commodities established for other sellers at retail; and

(2) That this abnormality subjects him to substantial hardship.

Applications for adjustment under this paragraph (a) shall be filed in accordance with Procedural Regulation No. 2.

(b) The Office of Price Administration, or any duly authorized officer thereof, may by order adjust the maximum prices established under this General Maximum Price Regulation for any seller other than a seller at retail in any case in which such seller shows:

(1) That such maximum price causes him substantial hardship and is abnormally low in relation to the maximum prices established for competitive sellers of the same or similar commodities; and

(2) That establishing for him a maximum price, bearing a normal relation to the maximum prices established for competitive sellers of the same or similar commodities, will not cause or threaten to cause an increase in the level of retail prices. Applications for adjustment under this paragraph (b) shall be filed in accordance with Procedural Regulation No. 1.

(c) Any person seeking relief, for which no provision is made in the foregoing paragraphs (a) and (b) of this section, from a maximum price established under this General Maximum Price Regulation may present the special circumstances of his case in an application for an order of adjustment. Such an application shall be filed by sellers at retail in accordance with Procedural Regulation No. 2, and by all other sellers in accordance with Procedural Regulation No. 1 and in every case shall set forth the facts relating to

the hardship to which such maximum price subjects the applicant together with a statement of the reasons why he believes that the granting of relief in his case and in all like cases will not defeat or impair the policy of the Emergency Price Control Act of 1942 and of this General Maximum Price Regulation to eliminate the danger of inflation.

This section shall apply to all maximum price regulations which have incorporated § 1499.18 in their provisions.

§ 1499.19 *Petitions for amendment.* Any person seeking a modification of any provision of this Regulation, or an adjustment not provided for in section 18 of this Regulation, may file a petition for amendment in accordance with the provisions of Procedural Regulation No. 1 issued by the Office of Price Administration.

Issued this 28th day of September 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-9604; Filed, September 23, 1942;  
4:24 p. m.]

#### PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

[Amendment 31 to Revised Tire Rationing Regulations<sup>1</sup>]

#### TIRES AND TUBES, RETREADING AND RECAPPING OF TIRES, AND CAMELBACK

Sections 1315.801 (a) and (f) (5) (III), 1315.802 (a) and (d) (4) (III) and 1315.803 (a) and (d) (3) (II) are amended as follows; a new § 1315.806 is added as set forth below:

#### *Transfers and Deliveries of New Tires and Tubes, Retreaded or Recapped Tires and Camelback:*

§ 1315.801 *Permitted and prohibited transfers of new tires and tubes—*(a) *Prohibitions.* Except as provided in §§ 1315.401, 1315.804, 1315.806, and paragraphs (c), (d), (e), and (f) of this § 1315.801 of these regulations, no person shall transfer a new tire or tube, and no person shall accept any such transfer of a new tire or tube.

(f) *Other transfers.* \* \* \*

(5) *Transfers to and from public warehouses.* \* \* \*

(iii) *Transfers from public warehouses to others.* Any public warehouse may, without certificate, transfer new tires or tubes to the retailer, distributor, wholesaler or manufacturer who transferred such tires or tubes to the warehouse for storage, to such persons if new tires or tubes stored by others in a public warehouse have been transferred to them in accordance with these regulations, to persons who have security interests in such tires or tubes as provided in § 1315.806, to the Defense Supplies Corporation, or to any manufacturer, assembler or dealer in vehicles equipped with tires or tubes who transferred the new tires or tubes to the warehouse for storage. Records shall be kept by both the public warehouse and by the person ac-

cepting any transfer of new tires or tubes from such public warehouse, which shall show the date of transfer, and the number, size and type of any tires or tubes authorized to be transferred.

§ 1315.802 *Permitted and prohibited deliveries of retreaded or recapped tires—*(a) *Prohibitions.* Except as provided in §§ 1315.401, 1315.804, 1315.806, and in paragraphs (c) and (d) of this § 1315.802, no person shall deliver a retreaded or recapped tire to any other person, and no person shall accept any such delivery of a retreaded or recapped tire.

(3) The prohibition in paragraph (a) applies both to sales and deliveries. Except as provided by §§ 1315.401, 1315.804, 1315.806, and by paragraphs (c) and (d) of § 1315.802, it is unlawful to deliver retreaded or recapped tires to a person even though such person has previously bought and paid for the retreaded or recapped tires, or even though such person supplies the carcass which was recapped or retreaded.

(d) *Other deliveries.* \* \* \*

(4) *Deliveries to and from public warehouses.* \* \* \*

(iii) *Transfers from public warehouses to others.* Any public warehouse may, without certificate, transfer retreaded or recapped tires to the retreader, recapper or dealer in retreaded or recapped tires, who transferred such tires or tubes to the warehouse for storage, to such persons if retreaded or recapped tires stored by others in a public warehouse have been transferred to them in accordance with these regulations, to persons who have security interests in such tires as provided in § 1315.806, to the Defense Supplies Corporation, or to any manufacturer, assembler or dealer in vehicles equipped with tires or tubes who transferred the retreaded or recapped tires to the warehouse for storage. Records shall be kept by both the public warehouse and by the person accepting any transfer of retreaded or recapped tires from such public warehouse, which shall show the date of transfer, and the number, size and type of retreaded or recapped tires authorized to be transferred.

§ 1315.803 *Permitted and prohibited deliveries of camelback—*(a) *Prohibitions.* Except as provided in §§ 1315.804, 1315.805, 1315.806, and in paragraphs (c) and (d) of this § 1315.803 or in regulations hereafter issued by the Office of Price Administration, no person shall deliver camelback to any other person, and no person shall accept any such delivery of camelback.

(3) The prohibitions in paragraph (a) apply to both sales and physical deliveries. Except as provided by §§ 1315.804, 1315.805, 1315.806, and by paragraphs (c) and (d) of § 1315.803, it is unlawful to deliver camelback to any person even though such person has previously bought and paid for the camelback.

(d) *Other transfers.* \* \* \*

(3) *Transfers to and from public warehouses.* \* \* \*

<sup>1</sup> F. R. 1027, 1033, 2107, 2541, 2533, 2345, 2948, 3235, 3237, 3551, 3630, 4170, 4336, 4493, 4543, 4544, 4617, 4856, 5023, 5274, 5276, 5506, 5505, 5867, 6423, 6775, 7034, 7241.

(ii) *Transfers from public warehouses.* Any public warehouse may transfer camelback stored in such warehouse to the person who transferred the camelback to the warehouse for storage, to the person to whom camelback stored in a public warehouse by any other person has been transferred in accordance with these regulations, to persons who have security interests in such camelback as provided in § 1315.806, or to the Defense Supplies Corporation. Records shall be kept by both the public warehouse and by the person accepting any transfer of camelback from such public warehouse, which shall show the date of transfer, and the amount, size, type and gauge of camelback authorized to be transferred.

§ 1315.806 *Security transactions*—(a) *Permitted security transactions.* Subject to the provisions of this section, tires, tubes, camelback, or documents of title thereto or interests therein, may be transferred, without certificate, for security purposes to a State or political subdivision or agency thereof, to the United States or any agency thereof, or to any person duly licensed to engage in the business of making loans upon collateral and regulated in conducting such business by a State or the United States. Except as otherwise provided in these regulations, tires, tubes, camelback, or documents of title thereto or interests therein, transferred for security purposes hereunder may be transferred, returned or released to the debtor without certificate: *Provided however,* That nothing in this paragraph shall be deemed to permit any transfer for use or diversion to use not otherwise permitted by these regulations.

(1) *Reports.* Within three days after a transfer for security purposes has been made under paragraph (a), the creditor shall file a report of the transaction with the State Director of the Office of Price Administration having jurisdiction over the State in which the tires, tubes, or camelback are located.

(b) *Permitted involuntary liens.* Nothing in these regulations shall be deemed to prohibit the creation of involuntary liens by operation of the laws of a State or of the United States. Such liens may be released without certificate. Enforcement of such liens is subject to the terms and conditions of paragraph (c).

(c) *Enforcement of security or lien.* Any person who holds a security interest in tires, tubes, or camelback, or in whose favor a lien thereon has been created under the authority of this section, or who holds such a security interest or lien created before the effective date of these regulations or pursuant to the provisions of Public Law 549, 77th Congress, Chapter 301, 2nd Session, may enforce such security, lien or other interest in the manner provided by applicable State or Federal laws. Transfers for the enforcement thereof may be made, without certificate, to the persons enumerated in § 1315.804, to the Defense Supplies Corporation, to the creditor or lienor for retransfer only in accordance with these regulations, or

to any person to whom a consumer may make a transfer without certificate under these regulations.

(1) *Reports.* Within three days after tires, tubes, or camelback have been transferred pursuant to paragraph (c), the creditor or lienor shall file a report of the transfer with the State Director of the Office of Price Administration having jurisdiction over the State in which the transfer took place.

\* \* \* \* \*

§ 1315.1199a *Effective dates of amendment.* \* \* \*

(ee) Amendment No. 31 (§§ 1315.801 (a), (f), 1315.802 (a), (d) (4), 1315.803 (a), (d) (3), and 1315.806) to Revised Tire Rationing Regulations shall become effective October 3, 1942.

(Pub. Law 421, 77th Cong., OPM Supp. Order No. M-15c, WPB Directive No. 1, Supp. Directive No. 1B, 6 F.R. 6792; 7 F.R. 562, 925)

Issued this 28th day of September 1942.

LEON HENDERSON,  
*Administrator.*

[F. R. Doc. 42-9665; Filed, September 28, 1942;  
4: 25 p. m.]

#### PART 1390—MACHINERY AND TRANSPORTATION EQUIPMENT

[Amendment 22 to Maximum Price Regulation 136,<sup>1</sup> as Amended]

##### MACHINES AND PARTS AND MACHINERY SERVICES

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.\*

New subparagraph (16) is added to § 1390.25 (c) and new paragraph (v) is added to § 1390.31a as set forth below:

§ 1390.25 *Petitions for amendment or adjustment.* \* \* \*

(c) *Amendments.* \* \* \*

(16) *The Electro Motive Manufacturing Company.* Notwithstanding the provisions of §§ 1390.5 and 1390.6, on and after July 22, 1942, the maximum price applicable to the sale and delivery of any capacitor or part manufactured and sold by Philip and Josephine Lauter, doing business under the firm name and style of The Electro Motive Manufacturing Company, Willmantic, Connecticut, for which the company had a published or confidential list price in effect on October 1, 1941, shall be the price for such item filed by the company with the Office of Price Administration as part of price computations accompanying protest docketed as No. 1136-223-P.

§ 1390.31a *Effective dates of amendments.* \* \* \*

(v) Amendment No. 22 (§ 1390.25 (c) (16)) to Maximum Price Regulation No. 136, as amended, shall become effective September 30, 1942.

\*Copies may be obtained from the Office of Price Administration.

<sup>1</sup> 7 F.R. 5047, 5362, 5665, 5908, 6425, 6682, 6682, 6682, 6899, 6964, 6965, 6937, 6973, 6937, 6973, 7010, 7246, 7320, 7365, 7509, 7602.

(Pub. Law 421, 77th Cong.)

Issued this 28th day of September 1942.

LEON HENDERSON,  
*Administrator.*

[F. R. Doc. 42-9666; Filed, September 28, 1942;  
4:26 p. m.]

#### PART 1411—COMPENSATORY ADJUSTMENTS

[Amendment 3 to Compensatory Adjustment Regulation 1<sup>1</sup>]

##### WARTIME INCREASES IN THE COST OF TRANSPORTING COAL<sup>2</sup>

*Added:* § 1411.5a.

*Amended:* § 1411.3 (a).

§ 1411.3 *Special applications*—(a) *Requests for special adjustment.* (1) An application filed by an applicant eligible to apply for a compensatory adjustment under § 1411.1 (a) of this Regulation and who is either a bituminous coal dealer, or a person who, prior to January 1, 1942, normally received southern bituminous coal for his own use, transshipped via tidewater from Hampton Roads, by free alongside delivery at an unloading port on the Atlantic Coast, north of and including New York Harbor, may include a request for a special adjustment in addition to a request for the applicable standard adjustment which is set forth in Appendix A, incorporated in this Regulation as § 1411.5. Such a request for a special adjustment shall relate exclusively to differences between (i) the transportation cost which the applicant incurred for southern bituminous coal transshipped via tidewater from Hampton Roads, to an unloading port on the Atlantic Coast, north of and including New York Harbor, during the period December 15-31, 1941 (or the nearest earlier date on which he incurred such costs) and which he received at a business establishment operated by him, and (ii) the transportation cost incurred by him on and after May 18, 1942 for bituminous coal transported to the same business establishment. Such a request shall be specifically designated in the application as a "request for special adjustment", shall set forth the exact amount of the special adjustment requested, and shall set forth a detailed statement of the special facts deemed to justify such request.

(2) (i) A request for a special adjustment may also be filed by any person who (a) prior to January 1, 1942 normally received at a business establishment bituminous coal originating in the Big Sandy or Eastern Kentucky freight rate districts and transshipped via tidewater from Hampton Roads to an unloading port on the Atlantic Coast north of, and including, New York Harbor and (b) on or after May 18, 1942 is a receiver of such coal transported to the same business establishment at a greater cost than the cost of transporting it to the same business establishment via tidewater transshipment from Hampton Roads during the period December 15-31, 1941 (or if no shipment was received

<sup>1</sup> 7 F.R. 3749, 3900, 6005, 6149.

<sup>2</sup> The word "bituminous" has been deleted from the title.

during this period, the nearest earlier date on which such a shipment was received) and (c) demonstrates to the satisfaction of the Price Administrator that such coal is essential to the operation of the applicant's business.

(ii) Such a request shall relate exclusively to differences between the transportation cost actually incurred on or after May 18, 1942 for transporting bituminous coal originating in the Big Sandy or Eastern Kentucky freight rate districts, and the transportation costs incurred for transporting such coal to the same business establishment via tidewater transshipment from Hampton Roads during the period December 15-31, inclusive, 1941 (or if no such shipment was received during this period, the nearest earlier date on which such a shipment was received): *Provided*, That to the extent that the requested adjustment is based on a movement which includes a rail haul, any adjustment paid shall be based on the lowest available rail transportation charges from the same rail origin to the same rail destination.

\* \* \* \* \*

**§ 1411.5a Pennsylvania anthracite—**

(a) *Eligibility.* (1) An application for a compensatory adjustment on account of wartime increases in the cost of transporting coal may be filed by any dealer in Pennsylvania anthracite who (i) prior to January 1, 1942 normally handled, at a business establishment, Pennsylvania anthracite transshipped from New York Harbor, via tidewater, to an unloading port on the Atlantic Coast north of, and including, Portsmouth, New Hampshire, or to points east of Stonington, Connecticut wholly dependent upon water transportation, (ii) during the period January 1, 1942, to May 17, 1942, inclusive, received Pennsylvania anthracite transported to the same establishment at a higher cost than the cost of transporting such Pennsylvania anthracite prior to January 1, 1942, and (iii) prior to May 18, 1942, had not disposed of the Pennsylvania anthracite transported at such higher cost, or of an equivalent amount of inventory, at prices adjusted upwards over his selling prices during the month of December 1941.

(2) Such an application may also be filed by any dealer in Pennsylvania anthracite who (i) prior to January 1, 1942, normally received at a business establishment Pennsylvania anthracite transshipped from New York Harbor, via tidewater, to an unloading port on the Atlantic Coast north of, and including, Portsmouth, New Hampshire, or to points east of Stonington, Connecticut, wholly dependent upon water transportation, and (ii) on or after May 18, 1942, incurs a greater cost for rail or combined rail and water transportation of Pennsylvania anthracite to the same business establishment: *Provided*, That with respect to the tonnage moving via tidewater transshipment as above described, prior to January 1, 1942, the total tonnage of Pennsylvania anthracite so moving to the dealer in the calendar year 1941 shall be the approximate maximum

amount of tonnage which may be considered by the Office of Price Administration in the dealer's application for compensatory adjustments relating to tonnages of Pennsylvania anthracite shipped during the calendar year 1942, and: *Provided further*, That the preceding proviso shall not apply where all or approximately all of the tonnage of Pennsylvania anthracite received by the dealer in 1941 had been received by tidewater transshipment as above described.

(b) *Manner of filing and contents of application.* (1) Applications pursuant to this § 1411.5a shall be filed with the Office of Price Administration in Washington, D. C. in one original and two copies on forms prescribed therefor by the Office of Price Administration. To the extent that such forms filed pursuant to this § 1411.5a may contain references to bituminous coal or transportation routes, they shall be appropriately modified to relate to Pennsylvania anthracite.

(2) (i) Applications pursuant to paragraph (a) (1) of this § 1411.5a shall be filed on or before November 20, 1942.

(ii) (a) In the case of applications pursuant to paragraph (a) (2) of this § 1411.5a, a separate application shall be filed as to receipts, if any, of Pennsylvania anthracite during May 18-31, inclusive, 1942, for the transportation of which an adjustment is requested; and thereafter a separate application shall be filed for each succeeding calendar month in which the applicant received Pennsylvania anthracite for the transportation of which an adjustment is requested. Shipments in transit do not constitute receipts.

(b) Applications relating to receipts during May 18-31, inclusive, 1942, and during the months of June, July and August 1942 shall be filed on or before November 20, 1942. Applications relating to receipts during any subsequent month, beginning with September 1942, shall be filed on or before the twentieth (20th) day of the third succeeding month. For example, applications as to receipts during the month of September 1942 shall be filed on or before December 20, 1942.

(3) Applications filed pursuant to this § 1411.5a shall include:

(i) The name and address of the applicant and the location of each establishment at which he received the Pennsylvania anthracite for the transportation of which an adjustment is requested.

(ii) The kind, size, tonnage and origin of such anthracite, and the identity of the person from whom it was purchased, together with a copy of the invoice or other billing memorandum rendered by such person.

(iii) The method, route and cost per gross ton of transporting such anthracite, specifying any separate costs incurred for cargo insurance on waterborne anthracite, and the identity of the person to whom such costs are paid, together with a copy of the freight bills and insurance bills (if any) actually paid in connection with such transportation.

(iv) The total tonnage of Pennsylvania anthracite received by the appli-

cant at the business establishment listed pursuant to subdivision (i) above of this subparagraph (b) (3), during both the calendar year 1941 and the month of December 1941, and specifying (a) the amount of such total which was transported all-rail, (b) the amount of such total which was transported via tidewater transshipment from New York Harbor, and (c) the transportation cost incurred for the last cargo received in 1941 via tidewater transshipment from New York Harbor: *Provided*, That the information required under this subdivision (iv) need not be restated after it has been included in a previous application filed pursuant to this Compensatory Adjustment Regulation No. 1.

(v) The amount, if any, per gross ton, by which the combined rail and water transportation cost incurred by the applicant on the last cargo of Pennsylvania anthracite received by him in 1941, via tidewater transshipment from New York Harbor, is less than the cost incurred by the applicant on and after May 18, 1942 for the all-rail or combined rail and water transportation of the Pennsylvania anthracite for the transportation of which an adjustment is requested. The amount, if any, of such excess shall constitute the "standard adjustment", which shall be set forth in the application: *Provided*, That in the case of any rail movement on and after May 18, 1942, the standard adjustment shall be based on the lowest available rail transportation charges from the same rail origin point to the same destination point.

(vi) The declarations and agreement set forth in subparagraph (5), (7), (9), (10) and (11) of § 1411.2 (b) of this Compensatory Adjustment Regulation No. 1, but appropriately modified to relate to Pennsylvania anthracite instead of to bituminous coal (e. g., in the case of subparagraph (9) a declaration that the payment of the requested adjustment will not reduce the delivered cost to the applicant of the Pennsylvania anthracite, the transportation of which is the basis of the application, below the delivered cost to the applicant of the last cargo of Pennsylvania anthracite received by him in 1941 and which was transported via tidewater transshipment from New York Harbor).

(vii) In the case of applications filed pursuant to paragraph (a) (1) of this § 1411.5a, an inventory statement for the period January 1 to May 17, inclusive, 1942, as set forth in the form prescribed therefor by the Office of Price Administration.

**§ 1411.7 Effective dates of amendments.**

(c) Amendment No. 3 (§§ 1411.3 (a), 1411.5a) to Compensatory Adjustment Regulation No. 1 shall be effective as of May 18, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 28th day of September 1942.

LEON HENDERSON,  
Administrator.

[F. R., Doc. 42-3623; Filed, September 23, 1942; 4:26 p. m.]



## PART 1300—PROCEDURE

## [Temporary Procedural Regulation 8]

## CERTAIN CARRIERS, STORAGE OR TERMINAL SERVICES

Procedure for the adjustment of maximum prices under § 1499.18 (e) of the General Maximum Price Regulation.

Pursuant to the authority of sec. 201 (d) and 203 (a) of the Emergency Price Control Act of 1942 (Public Law No. 421, 77th Cong. 2nd Sess., Jan. 30, 1942), the following rules are hereby prescribed for the adjustment of the maximum prices under sec. 18 (e) of the General Maximum Price Regulation:

§ 1300.801 *Effective date and expiration date.* This regulation becomes effective September 29, 1942, and expires on December 1, 1942, unless earlier replaced by a permanent procedural regulation or extended by amendment.

§ 1300.802 *Right to apply for adjustment.* Any person supplying service as a carrier other than a common carrier, or any person supplying storage or terminal service, may apply for adjustment of the maximum price established for him under the General Maximum Price Regulation. Such application shall be filed in accordance with the provisions of this regulation and shall show:

(a) That such maximum price subjects him to substantial hardship; and

(b) That the adjustment requested is necessary to permit the continuance of the supply of an essential service for which there is no adequate substitute available at a price equal to or lower than the maximum price requested.

§ 1300.803 *Place for filing applications.* Applications for adjustment shall be filed with the regional office of the Office of Price Administration in the region in which the service or services involved in the application are performed except that where an applicant supplies service in more than one region, or supplies service in interstate commerce as a carrier other than a common carrier, an application shall be filed with the Secretary, Office of Price Administration, Washington, D. C.

A list of the regional offices with an enumeration of the states included in each region is set forth in Appendix A to this regulation.

§ 1300.804 *Form of application.* An application for adjustment shall be filed on such forms as the Price Administrator shall from time to time prescribe, and the number of copies required to be filed shall be stated on the face of such forms. In the event no form has been designated with respect to applications for adjustment of maximum prices of any particular service the applicant shall submit printed, mimeographed or typewritten application in duplicate and shall set forth there, in affidavit form, a clear and concise statement of the relief which is requested and of all facts offered in justification thereof. Such statement should contain, in addition to other pertinent information set forth by the applicant, the following data:

(a) Description of applicant's business, including reference to commodities handled and territories served, and setting forth the names and addresses of companies financially or otherwise affiliated.

(b) Names and addresses of principal customers affected by the maximum price adjustment requested in the application.

(c) Reference to, and explanation of, authority granted by any federal or state regulatory agency to perform the service involved in the application.

(d) Present and requested maximum prices.

(e) Volume of commodity tonnage handled from January, 1941 to date of application in service for which adjusted maximum price is requested and gross revenue derived from such service; the relationship between such gross revenue and total gross revenue should be shown if service involved in application is only a part of applicant's business.

(f) Detailed description of all equipment and property used by applicant in his business and in the service involved in the application, including date and cost of acquisition, capacity, and normal and present percentage of utilization of capacity (if applicant is a carrier other than a common carrier, his normal and present load factor should be shown; if applicant supplies warehouse service, percentage of total space occupied should be shown).

(g) Classes of employees, wages for each class and number employed in each class.

(h) All additional or increased expenses incurred since the establishment by the applicant of the price concerning which adjustment is requested.

(i) Detailed annual profit and loss statements, accompanied by balance sheets for past three fiscal or calendar years and detailed profit and loss statements supported by balance sheets, by quarters or months for the period from the termination of the last such year to the date of the application, with an explanation of all items contained in such statements; if the service involved in the application forms only a portion of applicant's business, an allocation of items of revenue and expenses should be made.

(j) Statement showing services supplied by others which are available to applicant's customers, prices of such services and adequacy of such services to meet any specialized needs of applicant's customers.

§ 1300.805 *Application must be verified.* An application for adjustment shall be filed by the applicant and shall contain a statement, signed and sworn to by the applicant, that the statements made in the application are true and correct to the best of his knowledge and belief. Unless otherwise prohibited by law, every employee of the Office of Price Administration who is authorized to administer oaths shall, without charge, administer the oaths required by this rule and § 1300.804.

§ 1300.806 *Joint application.* Two or more persons may join in filing a single

application for adjustment in any case where the basis of the relief requested in the application is common to all of the applicants. Such applications must be verified by each applicant pursuant to § 1300.805. Any joint application may be treated severally as to any or all of the applicants with respect to any or all of the questions raised therein, if such several treatment is necessary for a proper determination of questions raised in the application.

§ 1300.807 *Investigation of application.* Upon receipt of an application for adjustment, the Regional Office or the National Office, as the case may be, shall make such investigation of the facts involved in the application, hold such conferences and request the filing of such affidavits as may be necessary to the proper disposition of the application.

§ 1300.808 *Action by Regional and National Office.* After due consideration, the Regional Office or the National Office, as the case may be shall grant or deny, in whole or in part, any application for adjustment which is properly pending before it. The decision shall be accompanied by a statement of the reasons supporting it. At any time prior to a decision by a Regional Office on an application pending before it, the Administrator may require that such application be referred to him in Washington, D. C. for decision.

§ 1300.809 *Review by Administrator of decision of Regional Office.* Any applicant whose application for adjustment has been denied in whole or in part by a Regional Office may, within 15 days after the date on which such order of denial was mailed to him, file with the Regional Office a request for review by the Administrator of the order of denial. Requests for review shall be filed on form OPA PR8:1 set out in Appendix B to this regulation. Such form may be obtained at any field office of the Office of Price Administration or may be copied by the applicant from Appendix B. Upon the filing of such a request the Regional Office shall transfer a complete file in the matter to the Secretary, Office of Price Administration, Washington, D. C.

§ 1300.810 *Action by Administrator on requests for review.* After due consideration, the Administrator shall grant or deny, in whole or in part, any application for adjustment which is properly pending before him pursuant to a request for review of an order of denial issued by a regional office. The decision of the Administrator shall be accompanied by a statement setting forth the reasons for his action.

§ 1300.811 *Protests of denial of application.* Any applicant whose application for adjustment is denied, in whole or in part, by the Administrator may, within 60 days after the issuance of the Administrator's order finally denying such application, file a protest against such order in accordance with the provisions of Procedural Regulation No. 1 (7 F.R. 971).

§ 1300.812 *Redocketing of applications for adjustment filed under other procedural regulations.* Any petition for amendment and application for adjustment filed under any other procedural regulation (which could have been filed pursuant to provisions of this procedural regulation) may be treated as an application for adjustment under this procedural regulation without being redocketed.

§ 1300.813 *Amendment of this regulation.* Any provision of this regulation may be amended or rescinded by the Administrator at any time. Such amendment or rescission shall be published in the FEDERAL REGISTER and shall take effect from the date of its publication unless otherwise specified therein.

§ 1300.814 *Definitions.* As used in this regulation, unless the context otherwise requires, the terms:

Region I: Boston Regional Office, 17 Court Street-----

Region II: New York Regional Office, 350 Fifth Avenue-----

Region III: Cleveland Regional Office, 363 Union Commerce Building-----

Region IV: Atlanta Regional Office, Candler Building, Peachtree Street-----

Region V: Dallas Regional Office, Fidelity Union Building-----

Region VI: Chicago Regional Office, 2301 Civic Opera Bldg., 20 North Wacker Drive-----

Region VII: Denver Regional Office, 334 U. S. National Bank Building-----

Region VIII: San Francisco Regional Office, 1335 Market St.-----

Region IX: Territorial Office; Office of Price Administration, Washington, D. C.-----

(a) "Administrator" means the Price Administrator of the Office of Price Administration, Washington, D. C. or such person as he may appoint or designate to carry out any of his duties hereunder.

(b) "Person" includes individual, corporation, partnership, association, or any other organized group of persons or legal successor or representative of any of the foregoing and includes the United States or any agency thereof or any other government, or any of its political subdivisions or any agency of any of the foregoing.

(c) "FEDERAL REGISTER" means the publication provided for by the act of July 25, 1935 (49 Stat. 500), as amended.

§ 1300.815 Appendix A: *Regional offices.*

#### States covered

Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut.

New York, New Jersey, Pennsylvania, Delaware, Maryland, District of Columbia.

Ohio, Michigan, Indiana, Kentucky, West Virginia.

Georgia, Alabama, Mississippi, Florida, Tennessee, North Carolina, South Carolina, Virginia.

Texas, Oklahoma, Louisiana, Missouri, Arkansas, Kansas.

Illinois, Wisconsin, Iowa, Minnesota, North Dakota, South Dakota, Nebraska.

Colorado, New Mexico, Utah, Idaho, Montana, Wyoming.

California, Nevada, Arizona, Oregon, Washington.

#### Territories covered

Alaska, Puerto Rico, Virgin Islands, Canal Zone, Hawaii.

#### § 1300.816 Appendix B: Review form.

Form OPA PR8:1

(This form must be filed in duplicate)

Request for Review of the Order Denying Application for Adjustment under § 1499.18 (d), of the General Maximum Price Regulation.

----- an applicant for adjustment of the maximum price of transportation, warehouse, or terminal service, pursuant to § 1499.18 of the General Maximum Price Regulation and Temporary Procedural Regulation No. 8 of the Office of Price Administration, hereby requests the Price Ad-

No. 192—6

ministrator, Washington, D. C., to review the order of denial of such application for adjustment in whole or in part, entered by the ----- Regional Office and mailed to the applicant on -----, 194-----.

The applicant's objections to such order of denial are as follows:

(Applicant should state briefly and concisely,

and separately number, his objection)

Applicant  
By -----

Title

Issued this 29th day of September 1942.

LEON HENDERSON,  
Administrator.

[P. R. Doc. 42-9633; Filed, September 23, 1942; 11:37 a. m.]

#### PART 1381—SOFTWOOD LUMBER

[Correction to Maximum Price Regulation 219<sup>1</sup>]

#### NORTHEASTERN SOFTWOOD LUMBER

In § 1381.312 *Licensing*, the words "Redwood Lumber or millwork" are corrected to read "Northeastern softwood lumber."

In § 1381.316 Table 1 the term "Box slides" is corrected to read "Box sides."

Section 1381.314a is added to read as set forth below:

§ 1381.314a *Effective dates of amendments.* (a) Correction (§§ 1381.312, 1381.314a and 1381.316) to Maximum Price Regulation No. 219 shall become effective September 29, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 29th day of September 1942.

LEON HENDERSON,  
Administrator.

[P. R. Doc. 42-8633; Filed, September 23, 1942; 11:38 a. m.]

#### PART 1382—HARDWOOD LUMBER

[Amendment 7 to Maximum Price Regulation 142<sup>1</sup>]

#### APPALACHIAN HARDWOOD LUMBER

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.\*

In § 1382.12 (d) a new subparagraph (32) is added, and items 4 through 6 are added to subparagraph (8), item 83 is added to subparagraph (10) and items 4 through 28 are added to subparagraph (27) as set forth below:

§ 1382.12 Appendix B: *Maximum prices for Appalachian hardwood lumber in "recurring special" grades or items.* \* \* \*

(d) \* \* \*

\* Copies may be obtained from the Office of Price Administration.

\* 7 F.R. 7235.

\* 7 F.R. 3773, 4179, 4852, 5520, 6053, 6333.

## (8) PARDEE &amp; CURTIN LUMBER COMPANY

Grade or item No.	Grade designation	Species	Thickness (inches)	Widths (inches)	Lengths (feet)	Price
4	FAS	White Oak	1 1/4	11 to 14		\$130.00
5	Selected FAS End Dried	Red Oak	1			90.00
6	Panel and Wide No. 1	Poplar	1			105.00
6	Panel and Wide No. 1	Poplar	1 1/4			110.00
6	Panel and Wide No. 1	Poplar	1 1/2			115.00
6	Panel and Wide No. 1	Poplar	2			120.00

## (10) MEADOW RIVER LUMBER COMPANY

88	No. 2A Common	Soft Maple	1			\$40.00
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## (27) VESTAL LUMBER AND MANUFACTURING COMPANY

4	FAS Squares	Poplar	3	3		\$110.00
5	FAS Squares	Poplar	4	4		120.00
6	FAS Squares	Poplar	5	5		130.00
7	FAS Squares	Poplar	6	6		135.00
8	FAS Squares	Poplar	7	7		165.00
9	FAS Squares	Poplar	8	8		175.00
10	FAS Squares	Poplar	10	10		200.00
11	FAS Squares	Poplar	12	12		225.00
12	No. 1 Common Squares	Poplar	3	3		65.00
13	No. 1 Common Squares	Poplar	4	4		70.00
14	No. 1 Common Squares	Poplar	5	5		75.00
15	No. 1 Common Squares	Poplar	7	7		100.00
16	No. 1 Common Squares	Poplar	10	10		130.00
17	No. 1 Common Squares	Poplar	12	12		160.00
18	Panel and Wide No. 1	Poplar	1	18 to 20		105.00
19	Panel and Wide No. 1	Poplar	1	20 to 23		115.00
20	Panel and Wide No. 1	Poplar	1	24 and wider		125.00
21	Panel and Wide No. 1	Poplar	1 1/4	18 to 20		110.00
22	Panel and Wide No. 1	Poplar	1 1/4	20 to 23		120.00
23	Panel and Wide No. 1	Poplar	1 1/4	24 and wider		130.00
24	Panel and Wide No. 1	Poplar	1 1/2	18 to 20		115.00
25	Panel and Wide No. 1	Poplar	1 1/2	20 to 23		125.00
26	Panel and Wide No. 1	Poplar	1 1/2	24 and wider		135.00
27	FAS	Rift Sawn Red Oak	1			90.00
28	FAS	Rift Sawn White Oak	1			125.00

## (32) WILDERNESS LUMBER COMPANY

1	"A" Grade—100% Sound—Free of Heart	White Oak	1			\$38.00
2	"A" Grade—100% Sound—Free of Heart	White Oak	1 1/4			42.00
3	"A" Grade—100% Sound—Free of Heart	White Oak	1 1/2			44.00
4	Sill Stock	White Oak	2	6 to 12	6 to 16	60.00
5	Selected No. 3	White Oak and Red Oak (50% and better sound)	1	6 and wider	8 and longer	27.00
6	Selected No. 3	White Oak and Red Oak (50% and better sound)	1 1/4			28.00
7	Selected No. 3	White Oak and Red Oak (50% and better sound)	2			29.00
8	Selected No. 3	White Oak and Red Oak (50% and better sound)	1			23.00
9	Panel and Wide No. 1	Poplar	1			101.00
10	Stepping Plank	Red Oak	1 1/4	11 to 15		105.00
11	Export Grade	White Oak	1	8 and wider	18 to 24	100.00
12	Export Grade	White Oak	1 1/4	8 and wider	18 to 24	110.00
13	Export Grade	White Oak	1 1/2	8 and wider	18 to 24	110.00
14	Export Grade	White Oak	2	8 and wider	18 to 24	120.00

## § 1382.10a Effective dates of amendments.

(g) Amendment No. 7 (§ 1382.12 (d) (8), (10), (27), (32)) to Maximum Price Regulation No. 146 shall become effective October 5, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 29th day of September 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-9690; Filed, September 29, 1942; 11:38 a. m.]

## PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[Amendment 11 to Ration Order 5A]

## GASOLINE RATIONING REGULATIONS

Section 1394.1614 is amended; a new paragraph (o) to § 1394.506, and a new paragraph (i) to § 1394.1902, are added; as set forth below:

\* 7 F.R. 5225, 5362, 5426, 5606, 5566, 5666, 5674, 5942, 6267, 6684, 6776, 7510, 7399.

## Supplemental Rations

§ 1394.506 Preferred mileage. \* \* \*  
(o) To transport regularly four or more students, teachers, or school employees to and from regular places of study: *Provided*, That no alternative means of transportation are available for such purpose.

## Replenishment and Audit

§ 1394.1614 Exchange of coupons for certificates. A distributor may at any time deliver to any Board in a state included in whole or in part in the limitation area coupons or other evidences (including exchange certificates) and obtain in return a certificate or certificates equal to the gallonage value of the coupons or other evidences remitted. The remitter shall attach to such coupons or other evidences a summary of coupons and acknowledgments on Form OPA R-541. The Board shall furnish him in return an exchange certificate (Form OPA R-548, of which a duplicate shall be retained for the files of the Board) equal in gallonage value to the total gallonage value of the coupons or other evidences remitted by him: *Provided, however*, That every licensed distributor shall segregate all coupons or other evidences remitted by him according to the states to which are due the state motor fuel taxes on his own sales which such coupons or other evidences represent, shall prepare a separate summary of coupons and acknowledgments (Form OPA R-541) for each such state, and shall receive from the Board a separate exchange certificate for each such state. The Board shall on request furnish more than one such certificate for sales within any given state, each representing any fraction of the total gallonage value remitted for such state, so long as the sum of all such certificates equals the total gallonage value of the coupons or other evidences remitted.

## Effective Date

§ 1394.1902 Effective dates of amendments. \* \* \*

(i) Amendment No. 11 (§§ 1394.506 (o) and 1394.1614) to Ration Order No. 5A shall become effective October 5, 1942.

(Pub. Law 671, 76th Cong., as amended by Pub. Law 89, 77th Cong., and by Pub. Law 507, 77th Cong., Pub. Law 421, 77th Cong., W.P.B. Directive No. 1, Amendment No. 2 to Supp. Dir. No. 1 (H) 7 F.R. 562, 3478, 3877, 5216).

Issued this 29th day of September 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-9691; Filed, September 29, 1942; 11:38 a. m.]

PART 1404—RATIONING OF RUBBER  
FOOTWEAR

[Ration Order 6]

MEN'S RUBBER BOOTS AND RUBBER WORK  
SHOES RATIONING REGULATIONS

*Preamble.* Among the most critical war-time problems of the nation is the scarcity of rubber. Our limited stockpile of this vital commodity must be reserved only for the most urgent needs. The use of rubber in the manufacture of many non-essential products is prohibited. Severe production controls have limited the quantity and the rubber content of even the most essential items. Tires are now being rationed.

The continuance of important types of military and civilian production depends upon the use of rubber footwear by certain workers in the mines and factories and on the farms. Maintenance of the health and safety of those workers requires rubber footwear protection.

The War Production Board has made careful studies of the occupational needs for rubber footwear; it has permitted production of only a small number of simplified types; it has established a maximum permissible rubber content of each type; it has allocated a limited amount of rubber for the production of those types.

The total number of pairs which can be manufactured from the allocation of rubber is far less than the demand. Unless this demand is restricted, and unless measures are taken to insure the distribution of the supply among those workers whose activities are most essential and whose needs are most urgent, production for the war effort may be seriously disrupted. Accordingly, the War Production Board has directed the Office of Price Administration to ration rubber footwear.

Ration Order No. 6 is issued pursuant to that directive. It is designed to exclude from the market all but those purchasers whose war-time activities require the use of this scarce footwear, and at the same time to add scrap rubber to the salvage piles. It provides for the rationing of men's rubber boots and rubber work shoes, comprising the bulk of all occupational waterproof footwear. It requires all who wish to buy such footwear to apply to a Local War Price and Rationing Board. Applications may be made either by workers for footwear for their own use or by employers who customarily furnish such footwear to their employees.

Authorizations to buy will be granted only to those individuals (1) who demonstrate that their work is essential to the war effort or the maintenance of public health or safety, and (2) whose working conditions require the use of such footwear, and to employers of such individuals.

Two further requirements are established to conserve rubber. Authorizations to buy will be granted only to those applicants: (1) who have no footwear suitable to their needs, and (2) who agree to surrender for salvage any unserviceable rubber boots or rubber work shoes in their possession.

Applicants who qualify under these conditions will receive a certificate issued by the Local Board, authorizing them to purchase a specified quantity of one of the six types into which all rationed footwear is grouped. In each case the Local Board will authorize the purchase of only the shortest and lightest weight of the six types which will meet the applicant's needs. Employer applicants will be granted certificates allowing them the minimum quantity practicable for their operations.

Rationed rubber footwear can be purchased only by the presentation of these certificates to registered dealers. These dealers customarily will serve as the agencies to receive unserviceable footwear turned in for salvage.

In order that the rubber footwear will continue to flow in the quantities and types that Local Boards have determined, under Ration Order No. 6, to be needed, dealers may obtain replacements of inventory only by surrendering certificates to their suppliers. To facilitate trade adjustment to the rationing program, provision is made that until the end of the 60th day after Ration Order No. 6 takes effect, footwear may be transferred at will within the trade, but not to consumers, without the surrender of certificates.

To provide information necessary to the proper administration and enforcement of this rationing program, all members of the trade are required to take an initial inventory, register with their Local Board, keep records of their transactions, and make periodic reports to the Office of Price Administration.

Accordingly, pursuant to the authority vested in the Administrator by Executive Order No. 9125, issued by the President on April 7, 1942, and Directive No. 1 and Supplementary Directive No. 1-N<sup>1</sup> of the War Production Board, issued on January 24 and September 29, 1942, respectively.

*It is hereby ordered That:*

## SCOPE OF RATION ORDER NO. 6

Sec.

1404.1 Territorial limitation.

## DEFINITIONS

1404.2 Definitions.

## JURISDICTION

1404.3 Jurisdiction of Boards.

## RESTRICTION OF TRANSFERS

1404.4 Restriction of transfers.

1404.5 Transfer of rubber footwear must be accompanied by surrender of certificates.

## ACQUISITION OF RUBBER FOOTWEAR BY CONSUMERS

1404.6 Eligibility.

1404.7 Applications for certificates.

1404.8 Applications by Army and Navy personnel.

1404.9 Applications by Federal agencies and the American National Red Cross.

1404.10 Appearance by applicant before Board.

1404.11 Issuance of certificate.

1404.12 Form of certificate.

1404.13 Surrender of certificate to person selling at retail.

1404.14 Return of certificates to consumer.

Sec.

1404.15 Surrender of unserviceable rubber footwear.

1404.16 Correction of certificates; changes in certificates.

1404.17 Consumer may have certificate subdivided.

1404.18 Change of date of issuance of certificate.

ACQUISITION AND TRANSFER BY RETAILER,  
DISTRIBUTOR, AND MANUFACTURER

1404.19 Inventory.

1404.20 Registration.

1404.21 No transfers without registration.

1404.22 Transfers not to be made upon expired certificates.

1404.23 Transfers not to be made upon invalid certificates.

1404.24 Receipt of unserviceable rubber footwear by the person selling at retail.

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AUTHORITY: §§ 1404.1 to 1404.70, inclusive, issued under Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 507, and 421, 77th Cong.; W. P. B. Directive No. 1, Supplementary Directive No. 1-N, 7 F.R. 562.

## SCOPE OF RATION ORDER NO. 6

§ 1404.1 *Territorial limitation.* Ration Order No. 6 shall apply within the 48 States of the United States and within the District of Columbia.

## DEFINITIONS

§ 1404.2 *Definitions.* When used in Ration Order No. 6 the term:

(a) "Acquire" means to purchase, accept a transfer, or otherwise obtain possession or title.

(b) "Board" means a War Price and Rationing Board or, if the context so indicates, the specific War Price and Rationing Board having jurisdiction over specific persons or establishments.

(c) "Certificate" means a rubber footwear certificate (O. P. A. Form R-605) or, if the context so indicates, Parts I, II, or III thereof, and a "multiple certificate" means a certificate authorizing the acquisition and transfer of two or more pairs of rubber footwear.

(d) "Consumer" means any individual acquiring or seeking to acquire rubber footwear for personal use or an employer acquiring or seeking to acquire such footwear for the use of his employees under the conditions described in § 1404.6 (b).

(e) "Distributing establishment" means an establishment, other than a manufacturing establishment or part thereof as defined in paragraph (i) of this section, over 50 per cent of whose transfers, in dollar volume, of rubber footwear, during the twelve full calendar months immediately preceding the effective date of Ration Order No. 6 (or, if such establishment has records of transfers only for a period of less than the twelve full calendar months preceding the effective date of Ration Order No. 6, then during such shorter period), were

transfers to persons other than consumers. A distributing agency or warehouse for one or more outlets is a distributing establishment, and each of a chain of distributing establishments owned by the same person is a separate distributing establishment. A person owning a distributing establishment is, with respect to the ownership and operation of such establishment, a distributor.

(f) "Employee" means, in addition to the persons commonly included within the meaning of the term, inmates, residents, and members of any eleemosynary institution or of any institution supported in whole or in part by public funds.

(g) "Employer" means, in addition to the persons commonly included within the meaning of the term, any eleemosynary institution or any institution supported in whole or in part by public funds.

(h) "Establishment" means a business or operation subject to Ration Order No. 6, conducted at or from a particular location: *Provided, however,* That a manufacturing establishment, as defined in paragraph (i) of this section, may include a business or operation conducted at or from a number of locations. When the provisions of Ration Order No. 6 impose or confer duties, rights, or obligations upon an establishment, such duties, rights, and obligations shall be considered as being conferred or imposed upon the person owning such establishment with respect thereto.

(i) "Manufacturing establishment" means an establishment manufacturing, processing, or assembling rubber footwear. All factories, warehouses, storage places, and distributing agencies owned by the same person constitute one manufacturing establishment: *Provided, however,* That no such warehouse, storage place, or distributing agency shall be included as part of a manufacturing establishment if it is a retail establishment, as that term is defined in paragraph (k) of this section, or if there is customarily a change in title to rubber footwear sent from any part of such manufacturing establishment to such warehouse, storage place, or distributing agency. A person owning a manufacturing establishment is, with respect to the ownership and operation of such establishment, a manufacturer, except that a manufacturer who, in connection with the ownership or operation of his manufacturing establishment, acquires or transfers rubber footwear not manufactured by him is, with respect to such acquisition or transfer, a distributor.

(j) "Person" means any individual, corporation, partnership, association, business trust, or any organized group of persons whether incorporated or not, and includes the United States or any agency thereof, and any State, or any political subdivision or agency thereof.

(k) "Retail establishment" means any establishment at least 50 percent of whose transfers, in dollar volume, of rubber footwear during the twelve full calendar months immediately preceding the effective date of Ration Order No. 6 (or, if such establishment has records of transfers only for a period of less than the twelve full calendar months preced-

ing the effective date of Ration Order No. 6, then during such shorter period), were transfers to consumers. Each of several retail outlets owned by one person is a separate retail establishment. A person owning a retail establishment is, with respect to the ownership and operation of such establishment, a retailer.

(l) "Rubber footwear" means all men's protective waterproof or snow and water repellent boots and work shoes, except those which have been worn, of the types listed in Appendix A (§ 1404.69), manufactured under any process which joins the sole and upper in a single unit manufactured wholly or in part of latex, crude rubber, reclaimed rubber, scrap rubber, or synthetic rubber, including seconds and rejects but excluding all men's and boys' rubber boots and rubber work shoes below size six, all lumbermen's overs with leather tops, and all arctics, gaiters, work rubbers, dress rubbers, clogs, and footholds. When used in the context "unservicable rubber footwear," however, the term "rubber footwear" shall denote only footwear which has been worn.

(m) "Sale-at retail" means a transfer of rubber footwear to a consumer. It includes diverting to consumer use rubber footwear held for sale or transfer whether or not a change in ownership or possession results.

(n) "Transfer" means sell, lease, lend, trade, give, ship, deliver, or transfer, in any way, the ownership or possession of rubber footwear or any interest therein from one establishment or person to another establishment or person.

## JURISDICTION

§ 1404.3 *Jurisdiction of Boards.* For the purposes of Ration Order No. 6 each War Price and Rationing Board shall have jurisdiction over:

(a) Each individual consumer who makes application to the Board for a certificate.

(b) Each employer applicant for certificates whose principal business office is located within the area assigned to the Board. Any Board located within the territorial jurisdictional limits of a State, local government, or the District of Columbia shall have jurisdiction to entertain and act on applications by and grant certificates to such State, local government, or District.

(c) Each retail and distributing establishment within the area assigned to the Board and each manufacturing establishment whose principal business office is located within such area.

## RESTRICTION OF TRANSFERS

§ 1404.4 *Restriction of transfers.* Notwithstanding the terms of any contract, agreement, or commitment, regardless of when made, no person shall on or after the effective date of Ration Order No. 6 transfer or acquire rubber footwear except in accordance with Ration Order No. 6.

§ 1404.5 *Transfer of rubber footwear must be accompanied by surrender of certificates.* Except as otherwise provided in Ration Order No. 6, a sale at retail of rubber footwear shall be made



only upon surrender of Parts I and III of a certificate authorizing such transfer and a transfer of rubber footwear, other than by sale at retail, shall be made only upon the surrender of Part I of a certificate authorizing the transfer of such rubber footwear.

#### ACQUISITION OF RUBBER FOOTWEAR BY CONSUMERS

§ 1404.6 *Eligibility.* Except as otherwise expressly provided in Ration Order No. 6, a certificate may be issued by the Board only to the following:

(a) *Individuals.* Individuals (1) whose work is essential to the promotion of the war effort or to the maintenance of public health or safety, and (2) who in their work are necessarily exposed to water, snow, mud, spray, splash, floor heat, danger of burns, the action of chemicals, or other similar conditions, to such an extent that the use of rubber footwear is necessary to the preservation of their health or safety.

(b) *Employers.* Persons having employees whose work is essential as set forth in paragraph (a) (1) of this section and who are exposed to the conditions described in paragraph (a) (2) of this section, where such persons have normally and customarily furnished rubber footwear for the use of such employees in connection with their work and retain title to the rubber footwear so furnished after the termination of the employer-employee relationship.

§ 1404.7 *Applications for certificates.* (a) On or after the sixth day after the effective date of Ration Order No. 6 any person may file with the Board in duplicate an application on O. P. A. Form R-603 for a certificate.

(b) Each applicant shall state: (1) whether the applicant is an employer or an individual applicant; if the former, the business in which he is engaged; if the latter, his occupation; (2) the type and quantity of rubber footwear applied for; (3) the nature of the duties performed by the applicant or his employees requiring such type of rubber footwear; (4) an inventory of the applicant's present supply of rubber footwear, and, if the applicant is an employer, the quantity purchased within the preceding twelve months; (5) an agreement that the applicant will surrender any unserviceable rubber footwear in his possession; and (6) such other information as may be required by the application form.

(c) An application filed by an individual consumer may be for only one pair of rubber footwear. An application filed by an employer may be for one or more pairs of one type of rubber footwear. An employer shall make separate application for each type.

§ 1404.8 *Applications by Army and Navy personnel.* In addition to complying with all other provisions of Ration Order No. 6, an application for a certificate by a member of the Army or Navy, whether an officer or enlisted man, must be accompanied by a statement in writing by the senior commanding officer who has jurisdiction over the work in connection with which the requested rubber footwear is required, certifying that the

applicant satisfies the requirements of § 1404.6 (a).

§ 1404.9 *Applications by Federal agencies and the American National Red Cross.* All applications for certificates by agencies of the United States Government, except those enumerated in § 1404.31 (b), and applications by the American National Red Cross shall be made on O. P. A. Form R-603 directly to the Office of Price Administration, Washington, D. C.; *Provided, however,* That if any such applicant authorizes the Procurement Division of the Treasury Department to acquire rubber footwear on its behalf, such applicant shall file its application for a certificate with the Procurement Division for transmittal to the Office of Price Administration, Washington, D. C. If the Office of Price Administration determines that the applicant is entitled to such certificate, it may issue and deliver the certificate to said applicant, or to the Procurement Division, if the application was transmitted by it.

§ 1404.10 *Appearance by applicant before Board.* In seeking a certificate, an applicant may submit his application in person or by a duly authorized agent; *Provided, however,* That the Board may require an applicant to appear in person to answer any pertinent questions propounded by the Board.

§ 1404.11 *Issuance of certificate.* (a) Except as otherwise expressly provided in Ration Order No. 6, a certificate (O. P. A. Form R-605) shall be issued by the Board only to an applicant who establishes to the satisfaction of the Board that he (1) is eligible to acquire such rubber footwear within the provisions of § 1404.6 and (2) does not have available for use any adequate and appropriate rubber footwear in serviceable condition, and who agrees to surrender, pursuant to § 1404.15, any unserviceable rubber footwear in his possession.

(b) If an applicant establishes to the satisfaction of the Board that he has no unserviceable rubber footwear which he can surrender or if the applicant is a person, such as a government agency, forbidden by law to make such disposition of its property, the Board shall note on the application and on the certificate that no such surrender shall be necessary.

(c) The certificate issued shall authorize the acquisition only of the type of rubber footwear which is the minimum necessary to satisfy the requirements of the applicant.

§ 1404.12 *Form of certificate.* Each certificate shall authorize the transfer of not more than one type of rubber footwear, and shall be divided into three parts bearing identical serial numbers, the date of issuance, and the number of the issuing Board.

(a) Part I shall specify the name and address of the applicant and the quantity and type of rubber footwear authorized to be acquired and transferred.

(b) Part II shall specify whether the consumer is required to surrender unserviceable rubber footwear and, if such surrender is required, the quantity and type thereof, and a person or agency to

whom such unserviceable rubber footwear shall be surrendered if the consumer acquires the rubber footwear through mail-order or similar transaction. Part II shall also contain a receipt to be completed and signed by the person receiving the unserviceable rubber footwear required to be surrendered.

(c) Part III shall contain the name and address of the person to whom it is issued, the quantity and type of rubber footwear authorized to be acquired, and a notation showing whether the consumer is required to surrender unserviceable rubber footwear and, if so, the quantity and type of such rubber footwear required to be surrendered.

§ 1404.13 *Surrender of certificate to person selling at retail.* (a) In order to acquire the rubber footwear described in a certificate, a consumer shall, before or at the time of the transfer to him of such rubber footwear, surrender Parts I and III of such certificate to the person selling him such rubber footwear at retail. The consumer shall, at the time of such surrender, except in a mail-order or similar transaction, identify himself to the person selling at retail in the manner specified on the certificate.

(b) When a consumer wishes to acquire rubber footwear by mail-order or similar transaction, he shall forward Parts I and III of the certificate to the seller with his order.

§ 1404.14 *Return of certificates to consumer.* Upon demand therefor by a consumer, a person selling at retail shall immediately return to him Parts I and III of a certificate surrendered by the consumer unless such person selling at retail has:

(a) Transferred all or, with the consent of the consumer, part of the rubber footwear authorized to be transferred to the consumer by such certificate or;

(b) Forwarded Part I of such certificate, with the consent of the consumer, to a supplier pursuant to § 1404.27 (a) (2).

§ 1404.15 *Surrender of unserviceable rubber footwear.* Each consumer required to surrender unserviceable rubber footwear owned by him shall surrender it as follows:

(a) *Over-the-counter transactions.* In sales at retail other than mail-order and similar transactions, the consumer shall, simultaneously with his acquisition of the rubber footwear described in the certificate, surrender the unserviceable rubber footwear specified in such certificate to the person selling at retail, who shall acknowledge such surrender on Parts II and III of such certificate.

(b) *Mail-order or similar transactions.* Where a consumer acquires rubber footwear by mail-order or other similar transaction, he shall, within ten days after receiving such rubber footwear, surrender the unserviceable rubber footwear specified in the certificate to the person designated for this purpose on Part II of the certificate, who shall acknowledge such surrender thereon.

(c) *Part II to be retained by consumer.* Part II shall be retained by the consumer for a period of at least six months as evidence of his compliance with the requirements of Ration Order No. 6, and

shall, during such period, be available for inspection by the Office of Price Administration.

§ 1404.16 *Correction of certificates; changes in certificates.* A certificate containing erasures or changes in any part required to be completed by the Board shall be invalid except that the Board may change the date of issuance and countersign such change pursuant to § 1404.18. Upon the surrender to the Board by the person to whom it was issued of a certificate bearing erasures or changes which invalidate it, the Board may issue a new certificate to such person. Upon the surrender to the Board of a certificate with clerical errors, the Board may issue a correct certificate.

§ 1404.17 *Consumer may have certificate subdivided.* (a) A consumer may surrender to the issuing Board Parts I, II, and III of a multiple certificate issued to him, and request issuance of several certificates in smaller denominations in exchange therefor. The Board may issue to such consumer certificates in such reasonable denominations as he may require but in no event shall the total number of pairs of rubber footwear authorized to be acquired by such newly-issued certificates exceed the number of pairs of rubber footwear authorized to be acquired by the surrendered multiple certificate.

(b) Each of such newly-issued certificates shall be identical with the multiple certificate surrendered therefor except (1) with respect to the number of pairs of rubber footwear authorized to be acquired thereby, (2) with respect to the number of pairs of unserviceable rubber footwear required to be surrendered thereby, and (3) that the newly-issued certificates shall be dated as of the date of their issuance.

§ 1404.18 *Change of date of issuance of certificate.* A consumer who has in his possession a certificate which has expired or is about to expire for use by him may present such certificate to the issuing Board and request the Board to change the date of issuance. The Board may grant such request, entering on the certificate the date of such presentation as the date of issuance and countersigning such new date of issuance.

#### ACQUISITION AND TRANSFER BY RETAILER, DISTRIBUTOR, AND MANUFACTURER

§ 1404.19 *Inventory.* (a) Every person owning one or more establishments shall prepare in duplicate on O. P. A. Form R-601, in the manner described thereon, an inventory for each such establishment of all rubber footwear as of 12 o'clock midnight of the fourth day after the effective date of Ration Order No. 6 and shall file such inventory with the Board having jurisdiction over such establishment. Such inventory shall be filed not later than the 11th day after the effective date of Ration Order No. 6. *Provided, however,* That upon good cause being shown therefor, the Board may permit an inventory to be filed thereafter. If the Board determines that good

cause has not been shown, it shall refer the matter to the State Director, who may, after investigation, permit the inventory to be filed late.

(b) The inventory of an establishment shall classify the rubber footwear according to the types set forth in Appendix A (§ 1404.69) and shall specify the number of pairs of each such type. The inventory shall include all rubber footwear located in the establishment, whether or not the person owning the establishment owns or has contracted for the sale and delivery of such rubber footwear, rubber footwear stored in a public or independent warehouse not an establishment as defined in Ration Order No. 6, and rubber footwear transferred by the establishment for the purpose of repair only and therefore not in the possession of such establishment. The inventory shall not include rubber footwear which has been delivered to the establishment for the purpose of repair only or rubber footwear located in a separate establishment. Each manufacturing establishment shall report all finished rubber footwear.

(c) Every person who owns more than one establishment and owns rubber footwear located in a public or independent warehouse not an establishment as defined in Ration Order No. 6 shall include such rubber footwear in the inventories of his establishments, allocating such rubber footwear among such of his establishments as he selects.

§ 1404.20 *Registration.* Upon filing an inventory as set forth in § 1404.19, a retail, distributing, or manufacturing establishment shall be registered under Ration Order No. 6, and the Board shall issue to such establishment a certificate of registration (O.P.A. Form R-602) which shall be serially numbered and conspicuously posted at the registered establishment. Each of a number of establishments owned by the same retailer, distributor, or manufacturer shall be separately registered.

§ 1404.21 *No transfers without registration.* Except as otherwise expressly permitted by Ration Order No. 6 rubber footwear may be acquired only by consumers and registered establishments and may be transferred only by registered establishments and no person shall transfer rubber footwear to any establishment until he has been notified by the establishment of its registration number: *Provided, however,* That an establishment which has obtained an inventory form (O.P.A. Form R-601) may sell rubber footwear at retail between the sixth and 11th days, inclusive, after the effective date of Ration Order No. 6.

§ 1404.22 *Transfers not to be made upon expired certificates.* (a) No person shall sell rubber footwear at retail if the certificate tendered therefor was issued more than 30 days prior to the date of its receipt by the person selling at retail: *Provided, however,* That a person selling rubber footwear at retail by mail order may transfer such footwear upon the surrender of a certificate enclosed in an envelope or other wrapper

postmarked not more than 30 days after the date of issuance of such certificate.

(b) No person shall transfer rubber footwear if the certificate tendered therefor was issued more than one year prior to the date of such transfer.

§ 1404.23 *Transfers not to be made upon invalid certificates.* (a) No person shall transfer rubber footwear if the certificate tendered therefor is illegible, contains such erasures or changes as to invalidate it under § 1404.16, or is so mutilated as not to indicate the essential information set forth in § 1404.12.

(b) No person shall transfer rubber footwear if he knows or has reason to believe that the certificate tendered therefor was not acquired in accordance with Ration Order No. 6 by the person tendering it. In such case, the person refusing to make the transfer shall promptly notify the issuing Board of such refusal and his reasons therefor.

§ 1404.24 *Receipt of unserviceable rubber footwear by the person selling at retail.* (a) Unless the certificate indicates that no unserviceable rubber footwear need be surrendered by the consumer, or the sale at retail is by mail-order or similar transaction, the person selling at retail must receive from the consumer, simultaneously with the transfer of the rubber footwear, the unserviceable rubber footwear described in the certificate. The person selling at retail shall acknowledge such surrender of unserviceable rubber footwear on Parts II and III of the certificate.

(b) Every person selling at retail shall surrender to the salvage agency designated by the Office of Price Administration and serving the area in which his establishment is located, all unserviceable rubber footwear received by such establishment.

§ 1404.25 *Addressing of mail-order shipment.* A person selling at retail on mail order shall ship the rubber footwear only to the consumer whose name appears on the certificate and to the address of the consumer as indicated on the certificate.

§ 1404.26 *Part III to be completed and sent by person selling at retail to appropriate State Director.* A person selling rubber footwear at retail shall retain Part III of any certificate received by him until he has transferred to the consumer all rubber footwear authorized to be acquired thereby. Every person selling rubber footwear at retail shall complete each Part III of a certificate received by him and shall, on or before the tenth day of each month, send each Part III received by him in connection with sales at retail completed during the preceding calendar month to the State Director specified thereon. All such certificates sent to a State Director shall be accompanied by a signed statement that they represent all rubber footwear transferred by such person by sale at retail during the preceding calendar month on the authority of certificates issued in such State except:

(a) Rubber footwear authorized to be transferred by multiple certificates which

are being retained by such person pending completion of transfers against such certificates, and

(b) Rubber footwear transferred to persons who are not required to surrender certificates under the provisions of Ration Order No. 6.

§ 1404.27 *Use of Part I of certificates by retailer and distributor to replenish stock.* (a) A retailer or distributor may, at any time within one year after the date of issuance of a certificate, acquire the rubber footwear specified thereon upon the surrender by him of Part I of such certificate: *Provided, however,* That a retailer or distributor shall not send to a supplier Part I of a certificate received by him or Part I of a newly issued certificate received as a result of the subdivision of a certificate in accordance with the provisions of § 1404.30, unless such retailer or distributor has (1) transferred to the person from whom he received the certificate all the rubber footwear authorized to be transferred by the original certificate or the newly issued certificate, as the case may be; or (2) received the consent of such person to send such Part I to a supplier and received the promise of such supplier that such rubber footwear will be shipped by him within 15 days of the receipt by him of the Part I.

(b) Prior to surrendering Part I of a certificate to his supplier, a retailer or distributor shall enter the necessary information in Schedule 1. Where a retailer or distributor makes instalment transfers of rubber footwear against a multiple certificate he shall enter in Schedule 1 the date of each such instalment transfer and the quantity of rubber footwear so transferred.

(c) Every establishment shall, when ordering rubber footwear, specify its registration number on the order.

§ 1404.28 *Return of certificates to retailers and distributors.* (a) Upon demand therefor by a retailer or distributor, a supplier shall within 15 days of such demand return to such retailer or distributor Part I of a certificate surrendered by the retailer or distributor to the supplier unless such supplier has (1) transferred all or part of the rubber footwear authorized to be transferred by such Part I or (2) forwarded such Part I, with the consent of the retailer or distributor, to another supplier pursuant to § 1404.27 (a) (2).

(b) If a supplier has transferred part of but not all the rubber footwear authorized to be transferred by Part I of a certificate, of which a retailer or distributor demands the return, and has not forwarded such Part I to another supplier pursuant to § 1404.27 (a) (2), the supplier shall, within 15 days of a demand therefor by such retailer or distributor, obtain the subdivision of such Part I in accordance with § 1404.30 and return to such retailer or distributor a newly-issued Part I or Parts I representing the untransferred portion of the rubber footwear authorized to be transferred by the original Part I.

(c) When any Part I is returned pursuant to this section, no entry shall be made in Schedule 1 thereof by the person so returning it. If an entry has been made by such person it shall be stricken.

§ 1404.29 *Disposition of Part I of certificate by manufacturer.* Every manufacturer shall enter the necessary information in Schedule 1 of Part I of each certificate received by him. When a manufacturer makes instalment transfers of rubber footwear against a multiple certificate he shall enter in Schedule 1 the date of each such instalment transfer and the quantity of rubber footwear so transferred. Except as he may use Parts I to acquire rubber footwear not manufactured by him, every manufacturer shall, on or before the tenth day of each month, send to the Central Inventory Unit of the Office of Price Administration, Empire State Building, New York City, each Part I received by him against which he has shipped all the rubber footwear specified thereon. All such certificates sent to the Central Inventory Unit shall be accompanied by a signed statement that they represent all rubber footwear manufactured by such manufacturer and shipped by him during the preceding calendar month except:

(a) Rubber footwear authorized to be transferred by multiple certificates which are being retained by such manufacturer pending completion of transfers against them and

(b) Rubber footwear shipped to persons who are not required to surrender certificates under the provisions of Ration Order No. 6, and shall further be accompanied by the report provided for in § 1404.46.

§ 1404.30 *Subdividing certificates of a retailer, distributor, or manufacturer.* (a) A retailer, distributor, or manufacturer may surrender to the Board Part I of a multiple certificate which he is entitled to use in whole or in part to acquire rubber footwear, as provided in § 1404.27, and apply on O. P. A. Form R-604 for several Parts I in smaller denominations in exchange therefor. The Board may issue to such retailer, distributor, or manufacturer Parts I of certificates in such reasonable denominations as he may require but in no event shall the total number of pairs of rubber footwear authorized to be acquired by the newly-issued Parts I exceed the number of pairs of rubber footwear authorized to be acquired by the surrendered multiple certificate.

(b) Each of such newly-issued Parts I shall be identical with the Part I of the multiple certificate surrendered therefor, including the original date of issue, except (1) with respect to the number of pairs of rubber footwear authorized to be acquired thereby and (2) that the Board shall enter its own number, State, and issuing officer's signature on the newly-issued Parts I. The name and address of the person presenting such Parts I for subdivision may be omitted from Schedule 1 of any newly-issued Parts I which

are to be returned to the prior holder as provided in § 1404.28.

§ 1404.31 *Transfer of rubber footwear to exempt persons—(a) Procuring certificates after transfer to exempt persons.* Any person who transfers rubber footwear from an establishment to any of the agencies enumerated in paragraph (b) of this section, or to any person acquiring such rubber footwear for export to and use in any foreign country, or ships or otherwise sends rubber footwear to a territory, possession, or dependency of the United States (except the District of Columbia), without the surrender of certificates, may, after such establishment has been registered pursuant to § 1404.20, apply to the Board on O. P. A. Form R-604 for Parts I of certificates authorizing the acquisition of the type and quantity of rubber footwear so transferred. A separate application shall be made for each type. Before the Board may grant any such application, the applicant shall exhibit to it bills of lading, shipping documents, or other proof of such transfer: *Provided, however,* That matters involving military or naval secrets, such as points at which delivery was made, need not be revealed to the Board.

(b) *Armed forces, certain Government agencies excluded.* The agencies included within the provisions of this section are the Army and Navy of the United States, the United States Maritime Commission, the Panama Canal, the Coast and Geodetic Survey, the Coast Guard, the Civil Aeronautics Authority, the National Advisory Commission for Aeronautics, the Office of Scientific Research and Development, and the War Shipping Administration.

§ 1404.32 *Damaged, destroyed, lost, or stolen rubber footwear—(a) Damaged rubber footwear.* Rubber footwear that has been damaged, but is still usable as rubber footwear, and undamaged rubber footwear mingled therewith, may be acquired without the surrender of Certificates by the following persons for purposes of transfer only; (1) persons duly authorized by law to engage in the insurance business, and common or contract carriers in connection with the right of subrogation, or by virtue of the payment by them of any claim or claims for damage to such rubber footwear; (2) persons performing public fire, health, police, safety, or sanitation functions, warehousemen, or persons engaged principally and primarily in the business of adjusting losses or selling or reconditioning and selling damaged commodities, who take possession of or receive such commodities on the occurrence or imminence of casualties, or in direct connection with the adjustment of losses resulting from such casualties.

(b) *Subsequent transfer of damaged rubber footwear.* Any transfer of such rubber footwear by any person included in paragraph (a) of this section to any person not so included shall be made only upon the surrender of appropriate certificates as provided in Ration Order No.

6. Certificates thus received by the persons disposing of such rubber footwear shall, within five days after each such transfer, be surrendered for cancellation to the State Director of the State where such rubber footwear was located immediately prior to the acquisition thereof by the transferor, together with the report referred to in paragraph (d) of this section.

(c) *Rubber footwear in danger of damage or theft.* Rubber footwear in imminent danger of being damaged, destroyed, or stolen may be acquired without certificates by the persons designated in paragraph (a) of this section and subject to the limitations set forth in paragraphs (a) and (b) of this section.

(d) *Procedure for transfer of damaged or destroyed rubber footwear.* Any person included in paragraph (a) of this section transferring rubber footwear pursuant to paragraph (b) of this section shall prepare in duplicate a complete report of the transactions, furnishing, in addition, such information as may be required by the Office of Price Administration, and containing any necessary supporting statements. Such person, upon transferring such rubber footwear, shall retain for himself the copy of such report and shall file, within five days of the transfer, the original of such report with the State Director of the State where such rubber footwear was located immediately prior to the acquisition thereof by the transferor.

(e) *Obtaining certificates to replace damaged, destroyed, lost, or stolen rubber footwear.* Any person owning an establishment whose rubber footwear is lost, stolen, or destroyed, or transferred pursuant to paragraphs (a) or (c) of this section may, after his establishment has been registered pursuant to § 1404.20, apply to the Board on O. P. A. Form R-604 for Parts I of certificates authorizing the acquisition of the same type and quantity of rubber footwear. A separate application shall be made for each type. Before the Board may grant any such application, the applicant shall prove to the satisfaction of the Board the loss, theft, damage, or destruction or imminence of such casualty claimed.

§ 1404.33 *Use of Parts I issued pursuant to §§ 1404.31, 1404.32, and 1404.36.* Any retailer or distributor who has received Parts I of certificates pursuant to §§ 1404.31 (a), 1404.32 (e), or 1404.36 may use such certificates to acquire rubber footwear without regard to the limitations contained in the proviso to § 1404.27 (a).

§ 1404.34 *Destroyed, mutilated, or stolen certificates.* (a) If Parts I of certificates held by a person owning an establishment are lost, destroyed, stolen, or so mutilated as to be invalid, the person entitled to such certificates may, after his establishment has been registered pursuant to § 1404.20, apply on O. P. A. Form R-604 to the Board for new Parts I authorizing the acquisition of the same type and quantity of rubber footwear. A separate application shall be made for each type. Before the Board

shall grant any such application, the applicant shall prove to the satisfaction of the Board the loss, destruction, theft, or mutilation claimed.

(b) Any Parts I issued by the Board pursuant to this section shall be received, held, and used by the person to whom issued subject to the same conditions and limitations under Ration Order No. 6 as the certificates which were lost, destroyed, stolen or mutilated.

§ 1404.35 *Disposal of rubber footwear acquired without certificates.* Any person who acquires rubber footwear without the surrender of certificates, pursuant to § 1404.40, may thereafter transfer such rubber footwear only upon surrender to him of appropriate certificates except as otherwise expressly provided in Ration Order No. 6. Such certificates shall, within five days after each such transfer, be surrendered for cancellation to the respective State Directors specified thereon.

§ 1404.36 *Obtaining certificates to replace rubber footwear acquired pursuant to § 1404.40.* When rubber footwear of a retail or distributing establishment has been acquired by a person without the surrender of certificates, pursuant to § 1404.40, the retailer or distributor from whom such footwear was acquired may, after such establishment has been registered pursuant to § 1404.20, apply on O. P. A. Form R-604 to the Board for Parts I of certificates authorizing the acquisition of the same type and quantity of rubber footwear. A separate application shall be made for each type. Before the Board may grant any such application, the applicant shall prove to the satisfaction of the Board that the rubber footwear was acquired from him under the conditions described in § 1404.40 and has not been returned to him.

§ 1404.37 *Surrendering certificates to the Board for cancellation.* Where rubber footwear or a certificate which had been lost or stolen, or rubber footwear which had been transferred pursuant to § 1404.40 or 1404.43 (b), is returned to the retailer or distributor from whom it was stolen or by whom it was lost or from whom it was acquired and such retailer or distributor has obtained from the Board Parts I of certificates authorizing the acquisition of rubber footwear to replace such rubber footwear or certificates, such retailer or distributor shall surrender to the Board for cancellation the Parts I of certificates so obtained from the Board or Parts I of other certificates authorizing the acquisition of the same type and quantity of rubber footwear.

#### EXCEPTIONS

§ 1404.38 *Transfers other than sales at retail between the sixth and 60th days after effective date.* (a) Rubber footwear may be transferred other than by sale at retail and acquired by any establishment between the sixth and 60th days, inclusive, after the effective date of Ration Order No. 6 without the surrender of certificates; *Provided, however, That:* (1) no person shall transfer

rubber footwear pursuant to this section until he has received from the Board his certificate of registration (O. P. A. Form R-602) and (2) all persons transferring and acquiring rubber footwear without the surrender of certificates in accordance with the provisions of this section shall keep separate records of all such transfers which shall contain the information required by § 1404.49. Such records shall be kept available for filing with or inspection by the Office of Price Administration.

(b) Except in sales at retail, no person shall require the surrender of certificates as a condition to the transfer of rubber footwear between the sixth and 60th days after the effective date of Ration Order No. 6.

§ 1404.39 *Voluntary or involuntary transfer of establishment.* (a) Rubber footwear may be acquired and transferred by any person without the surrender of certificates where, as a consequence of reorganization, liquidation, merger, foreclosure, execution, assignment for the benefit of creditors, bankruptcy, death, devise, bequest, inheritance, or other voluntary or involuntary transfer or sale of a retail, distributing, or manufacturing establishment, all or substantially all the assets of such establishment, including good-will, are transferred to such person.

(b) The person acquiring rubber footwear pursuant to paragraph (a) of this section shall, with respect thereto, if he continues the operation of the establishment, be subject to all the provisions of Ration Order No. 6 applicable to such establishment: *Provided, however, That* he must first complete and file with the Board an inventory (on O. P. A. Form R-601) of such rubber footwear and receive a certificate of registration from the Board. If such person does not continue the operation of the establishment, such rubber footwear may be transferred by him pursuant to the provisions of § 1404.35.

§ 1404.40 *Acquisition of rubber footwear by judicial process, by operation of law and for security and similar purposes; enforcement—*(a) *Acquisition by judicial process, by operation of law and by the exercise of statutory rights or powers.* Rubber footwear may be acquired by, or a lien created thereon in favor of, the following persons and in the following cases without the surrender of certificates; (1) any person pursuant to judicial process or an order issued by a court of competent jurisdiction or by operation of law; (2) a State or political subdivision or agency thereof or by the United States or any agency thereof in the enforcement or exercise against such rubber footwear of statutory rights or powers.

(b) *Creation of security interests and liens.* Rubber footwear may be acquired for security purposes by, or a lien created thereon for security purposes in favor of, the following persons and in the following cases without the surrender of certificates; (1) a State or political subdivision or agency thereof or the United



States or an agency thereof or any person duly licensed to engage in the business of making loans upon collateral and regulated in conducting such business by a State or the United States; (2) any person where the security interest arises or is transferred with respect to all or substantially all the rubber footwear of an establishment or of a business or operation of an employer-consumer.

(c) *Assignments prohibited.* Nothing in this section shall be deemed to permit any person to acquire without certificate an interest in rubber footwear in connection with or as a consequence of an assignment of less than the entire debt secured by such rubber footwear.

(d) *Release or return.* Except as otherwise provided in Ration Order No. 6, rubber footwear or any interest therein or lien thereon acquired pursuant to paragraphs (a) or (b) of this section may be returned to the person from whom it was acquired or released without the surrender of certificates or such rubber footwear may be transferred pursuant to the provisions of § 1404.35.

(e) *Enforcement of security.* Any person who has acquired rubber footwear or in whose favor a lien thereon has been created under the authority of this section, or who holds a lien on or security interest in rubber footwear created on or before the effective date of Ration Order No. 6 may enforce such security, lien, or other interest in the manner provided by applicable State or Federal laws. Transfers necessary for the enforcement thereof may be made to such person without the surrender of certificates or to other persons upon receipt of appropriate certificates (except as otherwise provided in Ration Order No. 6) to be disposed of as provided in § 1404.35. Rubber footwear acquired by such person hereunder may not be used by such person and may not be transferred except pursuant to § 1404.35.

§ 1404.41. *Transfer of rubber footwear for carriage.* (a) Rubber footwear delivered on or before the effective date of Ration Order No. 6 to a carrier, other than a carrier owned or controlled by the person so delivering it, may be delivered by the carrier to the person to whom the rubber footwear was consigned, or to another carrier for such delivery, or among connecting carriers for such delivery, or may be redelivered to the consignor without surrender of certificates by anyone in connection therewith.

(b) On or after the sixth day after the effective date of Ration Order No. 6 rubber footwear may be received by a carrier for carriage without the surrender of certificates by the carrier. Rubber footwear so received may thereafter be delivered, without the receipt of certificates by such carrier, only to (1) the person from whom it was received, (2) the person to whom it was consigned, (3) the person to whom the bill of lading, trust receipt, or similar instrument, if any, issued in connection with such carriage, has been duly transferred, or (4) to connecting carriers for such purposes.

(c) Nothing in this section shall be deemed to relieve any person who delivers

rubber footwear to a carrier from the obligation to receive certificates from the consignee or other person to whom a transfer is made as a result of such delivery.

§ 1404.42 *Transfer of rubber footwear for storage.* (a) Rubber footwear delivered on or before the effective date of Ration Order No. 6 to a public warehouse may at any time, without the surrender of certificates, be redelivered to the person who delivered it to the warehouse, or delivered to the person to whom the warehouse receipt, or other similar instrument, if any, issued in connection with such storage, has been duly transferred.

(b) On or after the sixth day after the effective date of Ration Order No. 6, any public warehouse may receive rubber footwear for storage without surrendering certificates, and may thereafter deliver such rubber footwear to the person from whom it received such rubber footwear, or to the person to whom the warehouse receipt, or other similar instrument, if any, issued in connection with such storage, has been duly transferred.

(c) Nothing in this section shall be deemed to relieve any person who delivers rubber footwear for storage from the obligation to receive certificates from any person other than the public warehouseman to whom such rubber footwear is transferred.

§ 1404.43 *Other excepted transfers—*  
(a) *Transfer of business of employer.* Upon the sale or other transfer, voluntary or involuntary, of the business or operation in connection with which any person as an employer obtained rubber footwear for the use of his employees, such rubber footwear may be acquired by any person along with such business or operation without the surrender of certificates and may be used only for the purposes of which it was acquired by the employer.

(b) *Transfers to exempt persons.* Any person may, at any time after the effective date of Ration Order No. 6, transfer, without the surrender of certificates, rubber footwear to any of the agencies enumerated in § 1404.31 (b), or to any person acquiring such rubber footwear for export to and use in any foreign country, or may ship or otherwise send rubber footwear to a territory, possession, or dependency of the United States (except the District of Columbia).

(c) *Transfers of rubber footwear by employers and for repair.* At any time after the effective date of Ration Order No. 6, (1) an employer who acquired rubber footwear under the conditions prescribed in § 1404.6 (b) for the use of his employees may transfer such rubber footwear to his employees for such use and (2) any person may transfer rubber footwear to any other person for the purpose of repair and may reacquire such rubber footwear, without the surrender of certificates.

(d) *Mail orders postmarked on or before effective date.* Rubber footwear or-

dered by a consumer by mail order postmarked on or before the effective date of Ration Order No. 6 may be transferred to such consumer on or after the sixth day after the effective date of Ration Order No. 6 without the surrender of certificates.

(e) *Exchange of rubber footwear.* On or after the sixth day after the effective date of Ration Order No. 6, any consumer, retailer, distributor, or manufacturer may exchange rubber footwear for other rubber footwear of the same type and quantity without the surrender of certificates.

(f) *Destroyed rubber footwear.* Rubber footwear that has been substantially destroyed, so as to be no longer usable as rubber footwear, may be transferred and acquired without the surrender of certificates: *Provided, however,* That such rubber footwear shall be used or sold only as scrap or for purposes of salvage.

(g) *Damaged rubber footwear.* Rubber footwear that has been damaged but is still usable as rubber footwear, undamaged rubber footwear mingled therewith, and undamaged rubber footwear that is in imminent danger of being damaged, destroyed, or stolen may be acquired without the surrender of certificates only as set forth in § 1404.32.

(h) *Return of lost or stolen rubber footwear.* Lost or stolen rubber footwear may be returned without the surrender of certificates to the person rightfully in possession of such rubber footwear at the time of the loss or theft.

#### RECORDS AND REPORTS

§ 1404.44 *In general.* All persons who transfer or acquire rubber footwear shall maintain such records and make such reports as Ration Order No. 6 requires and as the Office of Price Administration may from time to time require. Unless otherwise indicated in Ration Order No. 6, such records shall be maintained for a period of not less than two years and shall be available during such period for inspection by the Office of Price Administration. Any retailer, distributor, or manufacturer who during said period discontinues his business shall deliver to the Board the records he is required to maintain under Ration Order No. 6.

§ 1404.45 *By persons selling at retail.* Every establishment selling rubber footwear at retail shall maintain at such establishment records of all rubber footwear sold by it. Such records shall include for each such sale the name and address of the transferee, the date of the sale, the type and number of pairs of rubber footwear transferred, and the serial number of the certificate surrendered.

§ 1404.46 *Monthly report by manufacturers.* (a) Every manufacturer of rubber footwear shall on or before the tenth day of each month prepare a report in triplicate of all rubber footwear manufactured by him which was shipped by him during the preceding calendar month; *Provided, however,* That no such report shall be filed for the period be-



tween the sixth and 60th days after the effective date of Ration Order No. 6.

(b) Such report shall classify the rubber footwear so shipped according to type and shall contain, with respect to each such type, the following information: (1) the total number of pairs of rubber footwear shipped to each state, territory, possession, or dependency of the United States, or foreign country; (2) the number of pairs of rubber footwear transferred to the agencies set forth in § 1404.31 (b); (3) the number of pairs of rubber footwear shipped to any person acquiring such rubber footwear for export to and use in any foreign country, excluding, however, rubber footwear transferred to the agencies set forth in § 1404.31 (b); (4) the number of pairs of rubber footwear shipped to each territory, possession, or dependency of the United States (except the District of Columbia), excluding, however, rubber footwear transferred to the agencies set forth in § 1404.31 (b); (5) the number of pairs of rubber footwear shipped to each State or the United States and the District of Columbia for which no certificates are being surrendered to the Central Inventory Unit, pursuant to § 1404.29, because the manufacturer has not completed shipment of all the rubber footwear specified on such certificates.

(c) The original of such report shall be sent to the Central Inventory Unit of the Office of Price Administration, Empire State Building, New York City; a duplicate copy shall be sent to the Office of Price Administration, Washington, D. C.; and one copy shall be retained by the manufacturer.

§ 1404.47 *By importers.* Any person who imports rubber footwear shall, within three months thereafter send to the Central Inventory Unit, Office of Price Administration, Empire State Building, New York City, certificates authorizing the acquisition of the number of pairs of each type of rubber footwear so imported. Such certificates shall be accompanied by a statement setting forth the number of pairs and types of rubber footwear so imported, the date of such import, the name and location of the person shipping such rubber footwear, and the name and address of the importer.

§ 1404.48 *By persons transferring rubber footwear to exempt agencies or for export.* Every retailer, distributor, and manufacturer of rubber footwear shall, with respect to each establishment owned by him, on or before the tenth day of each month, send to the State Director of the State within which such establishment is located, a statement of the total number of pairs and the types of rubber footwear:

(a) Transferred from such establishment during the preceding calendar month to the agencies set forth in § 1404.31 (b).

(b) Transferred from such establishment during the preceding calendar month to any person acquiring such rubber footwear for export to and use in any foreign country, excluding rubber

footwear transferred to the agencies set forth in § 1404.31 (b), and

(c) Shipped or otherwise sent from such establishment during the preceding calendar month to a territory, possession, or dependency of the United States (except the District of Columbia), excluding rubber footwear transferred to the agencies set forth in § 1404.31 (b).

§ 1404.40 *By retailers, distributors, and manufacturers.* (a) Every establishment shall maintain records of the rubber footwear transferred and acquired by it on or after the fifth day after the effective date of Ration Order No. 6, indicating the number of pairs and types of such rubber footwear, the dates of transfer and acquisition thereof, and the names and addresses of the transferors and transferees.

(b) Each establishment shall retain a copy of the inventory filed by it with the Board pursuant to § 1404.19 and shall when required by Ration Order No. 6 or the Office of Price Administration enter thereon any additional information requested. Except as otherwise provided in Ration Order No. 6, such inventory form shall at all times be kept available for inspection by the Office of Price Administration.

§ 1404.50 *Records confidential.* All records of the Office of Price Administration and of the Boards relating to Ration Order No. 6 shall be confidential and shall be subject to inspection, removal, or other disposition only as provided in Ration Order No. 6 or as the Office of Price Administration may from time to time order. Such records shall at all times be available for inspection and use by any department or agency of the United States cooperating with the Office of Price Administration in the enforcement of Ration Order No. 6. Any person filing a record, or his agent, may examine the record so filed by him if to do so does not interfere with the administration of Ration Order No. 6. Records may be subpoenaed in any action or proceeding if the subpoena is served at least ten days before the return date and if the Price Administrator deems the production of the records in answer to such subpoena to be in the interest of national defense and security. Notwithstanding any of the foregoing there may be posted for a reasonable period of time at the office of each Board a list of all persons who have made application for and received permission to obtain rubber footwear under the provisions of Ration Order No. 6.

#### APPEALS

§ 1404.51 *Who may appeal.* Any person directly affected by the action of a Board, State Director, or Regional Administrator taken with reference to any application, petition, or other matter before such Board, State Director, or Regional Administrator under Ration Order No. 6 may appeal from such action pursuant to the provisions of §§ 1404.52 to 1404.57, inclusive.

§ 1404.52 *Time within which appeal must be brought.* Notice of a Board's action shall be given, either at the

Board's office or by mailing, to the person who has the right of appeal or to his agent. The appeal must be brought within 30 days after such mailing or the giving of such other notice.

§ 1404.53 *Appeals to State Director; how brought.* Appeals from the action of a Board shall be to the State Director and shall be brought by the person entitled to bring such appeal in the following manner:

(a) A statement of appeal shall be filed in duplicate with the Board. The statement of appeal shall state the basis for the appeal, setting forth the specific section or sections of Ration Order No. 6 claimed to be inconsistent with the action appealed from, and any other facts called for by any form which may be prescribed by the Office of Price Administration, or deemed by the appellant to be pertinent. The statement of appeal may be accompanied by documentary evidence supporting the appeal.

(b) Within ten days of such filing, the Board shall forward one copy of the statement and an explanation of its reasons for taking the action appealed from, together with all pertinent records or papers, to the State Director, unless the Board shall, within such ten-day period, upon reconsideration, reverse the action appealed from. If the Board disagrees with the version of the facts contained in the appellant's statement of appeal or in other papers in the record, the Board shall note the respects in which its version of the facts differs.

(c) The Board shall retain the other copy of the statement of appeal and shall keep a record thereon showing the date on which the Board notified the appellant of the action appealed from, the date on which the statement of appeal was filed, and the date the statement of appeal and other papers were sent to the State Director.

§ 1405.54 *Action by State Director.*

(a) The State Director shall maintain an appeals docket. He shall assign a number to each appeal when it reaches him, and shall enter such number, together with the name of the appellant and the name and number of the Board from whose action the appeal is taken, the action taken on appeal, and the date on which a copy of his decision was mailed to the appellant.

(b) The State Director may require the appellant to present additional pertinent information.

(c) Appeals shall be decided by the State Director, who may affirm, modify, or reverse the action of the Board. The decision shall be in writing and one copy shall be mailed to the appellant and one to the Board. The decision shall direct the Board to take such action as may be necessary to give effect thereto.

(d) If no statement of appeal to the Regional Administrator is filed with the State Director within 30 days after the appellant has been notified of the State Director's decision, the record shall be closed and thereafter there shall be no further right of appeal. The record shall remain on file in the State Director's

office, except that documents which are necessary to present or future action of the Board shall be returned to the Board.

§ 1404.55 *Appeals to Regional Administrator; how brought.* An appeal to the Regional Administrator may be made in the following manner from an adverse decision of the State Director, whether such decision is in a matter which came before the State Director on appeal or in a matter which came before him for original decision:

(a) A statement of appeal shall be filed in duplicate with the State Director, who shall retain one copy for his files. The statement of appeal shall state the basis for the appeal, setting forth the specific section or sections of Ration Order No. 6 claimed to be inconsistent with the decision appealed from, and any other facts called for by any form, which may be prescribed by the Office of Price Administration, or deemed by the appellant to be pertinent. The statement of appeal may be accompanied by documentary evidence supporting the appeal.

(b) Within ten days of such filing, the State Director shall forward the other copy, together with his decision and all other pertinent records or papers, to the Regional Administrator, unless the State Director shall, within such ten-day period, upon reconsideration, reverse his decision.

§ 1404.56 *Action by Regional Administrator.* (a) The Regional Administrator shall maintain an appeals docket and shall assign a number to each appeal when it reaches him, and shall enter such number, together with the name of the appellant, the name of the State Director, the name and number of the Board, the action taken by the Regional Administrator, and the date on which a copy of the Regional Administrator's decision was mailed to the appellant.

(b) The Regional Administrator may require the appellant to present additional pertinent information.

(c) Appeals to the Regional Administrator shall be decided by the Regional Administrator, who may affirm, modify, or reverse the decision of the State Director. The decision shall be in writing and copies shall be mailed to the appellant, the Board, if an action of the Board is involved, and to the State Director, respectively. The decision shall direct the Board or the State Director to take such action as may be necessary to give effect thereto.

(d) If no statement of appeal to the Washington Office of the Office of Price Administration is filed with the Regional Administrator within 30 days after the appellant has been notified of the Regional Administrator's decision, the record shall be closed and shall be returned to the State Director's office, where it shall remain on file, except that documents which are necessary to present or future action of the Board shall be returned to the Board. Thereafter there shall be no further right of appeal.

§ 1404.57 *Appeals to Washington Office.* An appeal to the Washington Office of the Office of Price Administra-

tion may be made in the following manner from an adverse decision of the Regional Administrator, whether such decision is in a matter which came before the Regional Administrator on appeal or in a matter which came before him for original decision:

(a) A statement of appeal shall be filed in duplicate with the Regional Administrator, who shall retain one copy for his files. The statement of appeal shall state the basis for the appeal, setting forth the specific section or sections of Ration Order No. 6 claimed to be inconsistent with the decision appealed from, and any other facts called for by any form which may be prescribed by the Office of Price Administration, and such other facts as the appellant deems pertinent. The statement of appeal may be accompanied by documentary evidence supporting the appeal.

(b) Within ten days of such filing, the Regional Administrator shall forward the other copy, together with his decision and all other pertinent records or papers, to the Washington Office of the Office of Price Administration, unless the Regional Administrator shall, within such ten-day period, upon reconsideration, reverse his decision.

(c) It shall be within the discretion of the Washington Office of the Office of Price Administration to pass upon or to refuse to pass upon an appeal. In either event, the Washington Office of the Office of Price Administration may require the appellant to furnish additional pertinent information.

(d) The Washington Office of the Office of Price Administration shall notify the appellant, the Regional Administrator, the State Director, and the Board, in writing, either: (1) of its refusal to pass upon the appeal; or (2) of its decision affirming, modifying, or reversing the decision of the Regional Administrator. It shall, in such event, direct the Board, State Director, or Regional Administrator to take such action as may be necessary to give effect thereto.

(e) When the Washington Office of the Office of Price Administration has acted upon the appeal or has refused to act upon it, the record of the case shall be returned to the office of the State Director where it is to be filed, except that documents which are necessary to present or future action of the Board shall be returned to the Board. Thereafter there shall be no further right of appeal.

#### MISCELLANEOUS

§ 1404.58 *Personnel.*—(a) *Administration.* Ration Order No. 6 shall be administered by the Office of Price Administration, its Regional Administrators, State Directors, War Price and Rationing Boards, and such other administrative personnel as it may designate.

(b) *Self-interest shall disqualify official.* No person participating in the administration of Ration Order No. 6 shall act officially in connection with any matter arising under Ration Order No. 6 in which, by reason of self-interest or the interest of persons to whom he is related

by blood or marriage, he is unable to act without bias.

§ 1404.59 *Powers and duties.* The persons appointed to administer Ration Order No. 6 or to assist therein shall have such powers and duties as are herein described and as the Office of Price Administration has assigned and may from time to time assign.

§ 1404.60 *Sale, gift, loan, or judicial seizure of certificates prohibited.* The transfer, sale, gift, loan, or assignment of a certificate is prohibited and no such certificate or any interest therein may be so acquired or seized by distraint, execution, levy, attachment, or other judicial process or acquired through devise, bequest, or inheritance, except that such transfer, sale, gift, loan, assignment, seizure, and acquisition is permitted when certificates are transferred as part of the assets of an establishment transferred as provided in § 1404.39 and when otherwise expressly permitted in Ration Order No. 6.

§ 1404.61 *Notification to the Office of Price Administration of legal proceedings.* It shall be the duty of every person holding a certificate to notify the State or Regional Office of the Office of Price Administration immediately upon the commencement of any legal action or proceeding involving such certificate.

§ 1404.62 *Authorization of transfer against certificates is authorization of acquisition and vice versa.* Where in Ration Order No. 6 the transfer of rubber footwear is authorized on the surrender of certificates the acquisition of such rubber footwear, as part of the same transaction, on the surrender of certificates shall also be deemed to be authorized and vice versa.

§ 1404.63 *Rights of parties who have entered into contracts, agreements, or commitments, prohibited by Ration Order No. 6.* No person who agreed to transfer and no person who agreed to acquire rubber footwear shall be liable for failure to perform such agreement if performance is prohibited by Ration Order No. 6; *Provided, however,* That if performance of any contract, agreement, or commitment for the transfer of rubber footwear is prohibited by Ration Order No. 6, or amendments thereto or revisions thereof, any person who has made any payment or given any other consideration on account of the purchase of such rubber footwear shall, upon demand, be entitled to the return of the amount of any deposit or consideration paid, or, in the event the consideration has been materially altered in condition or cannot be returned, its fair value, and no person who agreed to transfer rubber footwear shall be liable to any greater extent than the amount or other consideration so deposited or paid.

§ 1404.64 *Violations of Ration Order No. 6 and offers or attempts to do so.* No person shall do or offer or attempt to do anything, directly or indirectly, with respect to rubber footwear, certificates, inventories, reports, or other records re-

quired to be made or kept by Ration Order No. 6, except in accordance with Ration Order No. 6.

§ 1404.65 *Falsification.* No person shall, or shall cause another person to, counterfeit any certificate, or, except as expressly permitted in Ration Order No. 6, alter any certificate, or falsify, conceal, or fail to disclose any fact or information in any application, inventory, report, or other statement required to be made, kept, furnished, or disclosed by Ration Order No. 6.

#### ENFORCEMENT

§ 1404.66 *Criminal prosecutions.* (a) Any person who wilfully performs any act prohibited, or wilfully fails to perform any act required by any provision of Ration Order No. 6, may upon conviction be fined not more than \$10,000.00, or imprisoned for not more than one year, or both, and shall be subject to such other penalties as may be prescribed by law.

(b) Any person who knowingly falsifies an application, or any other record, report, or certificate made pursuant to or required by the terms of Ration Order No. 6, or who otherwise knowingly furnishes false information concerning a material fact within the jurisdiction of the Office of Price Administration to any Board, or any other agent, employee, or officer of the Office of Price Administration, or who attempts by the use of a trick, scheme, or device to conceal or cover up such a material fact within the jurisdiction of the Office of Price Administration, may upon conviction be fined not more than \$10,000.00, or imprisoned for not more than ten years, or both, and shall be subject to such other penalties as may be prescribed by law. Any person who conspires with another person to perform any of the foregoing acts may upon conviction be fined not more than \$10,000.00, or imprisoned for not more than two years, or both, and shall be subject to such other penalties as may be prescribed by law.

§ 1404.67 *Suspension orders.* Any person who violates Ration Order No. 6 may, by administrative suspension order, be prohibited from acquiring or transferring any rubber footwear or other rationed product for such period as in the judgment of the Administrator is necessary or appropriate in the public interest and to promote the national security.

§ 1404.68. *Report of violations.* Any person may report a violation of Ration Order No. 6 to a War Price and Rationing Board, a State Director, a Regional Administrator of the Office of Price Administration, or to the Office of Price Administration, Washington, D. C.

#### APPENDIX

§ 1404.69 *Appendix A.* The types of men's protective waterproof or snow and water repellent boots and work shoes referred to in § 1404.2 (1) are listed below. All measurements in this Appendix are along the back of the boot and include the heel.

(a) Rubber Boots (typically worn instead of shoes and typically without laces, though occasionally worn over a shoe or slipper and partially laced).

Type 1. Hip height boots (with or without steel toes). All body, hip, and thigh boots and sporting boots of similar heights.

Type 2. Above-knee height boots (with or without steel toes). All Storm King boots and all other over-the-knee height but below hip or thigh height boots.

Type 3. Below-knee height heavy boots (with or without steel toes). All industrial short boots and all other boots of below-the-knee height except light-weight boots classified in Type 4.

Type 4. Below-knee height light boots (without steel toes). All light-weight short boots, including those manufactured according to specifications of the War Production Board for the manufacture of civilian rubber footwear (War Production Board Supplementary Order M-15-b-1, as amended<sup>17</sup>) farm-weight boots, over-the-shoe boots, and all other light-weight constructions of this height.

(b) Rubber Pacs, Bootees, and Work Shoes (worn instead of shoes, typically laced, and below-the-knee in height).

Type 5. Pacs and Bootees, 10 inches or more in height (with or without steel toes). All laced mine pacs, all bootee types with or without laces, and all other laced rubber footwear, including laced sporting footwear, ten inches or more but below-the-knee in height.

Type 6. Pacs, Bootees, and Work Shoes below ten inches in height (with or without steel toes). All rubber work shoes, pacs, and bootees less than ten inches in height.

#### EFFECTIVE DATE

§ 1404.70 *Effective date of Ration Order No. 6.* Ration Order No. 6 (§§ 1404.1 to 1404.70, inclusive) shall become effective 12:00 p. m., September 29, 1942.

Issued this 29th day of September 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-9687; Filed, September 29, 1942; 11:34 a. m.]

#### PART 1499—COMMODITIES AND SERVICES [Amendment 28 to General Maximum Price Regulation<sup>21</sup>]

##### CERTAIN CARRIERS, STORAGE OR TERMINAL SERVICES

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.\*

A new paragraph (e) is added to § 1499.18 to read as set forth below:

§ 1499.18 *Applications for adjustment.*

(e) The Office of Price Administration, or an authorized representative thereof

\*Copies may be obtained from the Office of Price Administration.

<sup>17</sup> F. R. 967, 2344, 2345, 2346, 2449, 2595, 2782, 3389, 4448, 5019, 5296, 5592, 5603.

<sup>21</sup> F. R. 3153, 3330, 3666, 3990, 3991, 4339, 4487, 4659, 4738, 5027, 5276, 5192, 5365, 5445, 5484, 5565, 5775, 5784, 5783, 6058, 6081, 6007, 6216, 6615, 6794, 6939, 7093, 7322, 7454.

may by order adjust the maximum price established under the General Maximum Price Regulation for any person supplying service as a carrier other than a common carrier, or for any person supplying storage or terminal service, provided that such person shows:

(1) That such maximum price subjects him to substantial hardships; and

(2) That the adjustment requested is necessary to permit the continuance of the supply of an essential service for which there is no adequate substitute available at a price equal to or lower than the maximum price requested.

Applications for adjustment under this paragraph (e) shall be filed in accordance with Temporary Procedural Regulation No. 8.

§ 1499.23a *Effective dates of amendments.* \* \* \*

(cc) Amendment No. 28 (§ 1499.18 (e)) to General Maximum Price Regulation shall become effective September 29, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 29th day of September 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-9693; Filed, September 29, 1942; 11:37 a. m.]

#### PART 1499—COMMODITIES AND SERVICES [Amendment 4 to Revised Supplementary Regulation 11<sup>1</sup> of General Maximum Price Regulation<sup>21</sup>]

##### CONVERSION OF CERTAIN RAW MATERIALS INTO SYNTHETIC RUBBER

A statement of the considerations involved in the issuance of this amendment is issued simultaneously herewith and has been filed with the Division of the Federal Register.\*

A new subparagraph (103) is added to paragraph (b) of § 1499.46 as set forth below:

§ 1499.46 *Exceptions for certain services.* \* \* \*

(b) The provisions of the General Maximum Price Regulation shall not apply to the rates, fees, charges or compensation for the following services:

(103) Conversion of raw materials supplied by the customer into synthetic rubber, including rubber of the butadiene-styrene, copolymer, perbunan, neoprene, thiokol, butyl, koroseal, flammenol, and acrysol types: *Provided*, That duly authenticated copies of all contracts entered into after October 5, 1942, involving rates, fees, charges or compensation for the services exempted from General Maximum Price Regulation by this subparagraph, shall be filed by the person performing such services with the Office of Price Administration, Washington, D. C., within fifteen days after the signing of such contracts, except as other-

<sup>17</sup> F. R. 2426, 6985.

<sup>21</sup> F. R. 3153, 3330, 3666, 3990, 3991, 4339, 4487, 4659, 4738, 5027, 5276, 5192, 5365, 5445, 5565, 5484, 5775, 5784, 5783, 6058, 6081, 6007, 6216, 6615, 6794, 6939, 7093, 7322, 7454.

wise authorized in writing by the Price Administrator or persons designated by him.

(d) *Effective dates.* \* \* \*

(5) Amendment No. 4 to Revised Supplementary Regulation No. 11 (§ 1499.46 (b) (103)) shall become effective October 5, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 29th day of September 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-9692; Filed, September 29, 1942;  
11:37 a. m.]

#### PART 1499—COMMODITIES AND SERVICES

[Order 55 Under § 1499.18 (c) of the General Maximum Price Regulation—Docket No. GF3-1394]

ALLER & SHARP, INC.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.905 *Adjustment of maximum prices for contract carrier services sold by Aller & Sharp, Inc.* (a) Aller & Sharp, Inc., of 817 West Fifth Street, Columbus, Ohio, may sell and deliver, and any person may buy and receive from Aller & Sharp, Inc., contract carrier services at prices not higher than those set forth below:

(1) Maximum prices in cents per hundred pounds applying on shipments of packing house products and supplies requiring refrigeration between Chicago, Illinois and Columbus, Ohio.

[Weight in pounds]

Less than 5,000	5,000 to 11,999	12,000 to 17,999	18,000 and over
57	42	37	24

(2) Drayage prices within the city of Columbus, Ohio, may be increased by two cents per hundred pounds upon all products.

(b) All prayers of the petition not granted herein are denied.

(c) This Order No. 55 may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 55 (§ 1499.905) is hereby incorporated as a section of Supplementary Regulation No. 14, which contains modifications of maximum prices established by § 1499.2.

(e) This Order No. 55 (§ 1499.905) shall become effective September 30, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 29th day of September 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-9694; Filed, September 29, 1942;  
11:36 a. m.]

#### Chapter XIII—Office of Petroleum Coordinator for War

[Petroleum Directive 59]

##### PART 1510—SUPPLY

##### EASTERN SEABOARD AREA

To all persons engaged in the petroleum industry in Districts One, Two, and Three, and to all Petroleum Industry Committees hereinafter referred to:

The critical shortage of transportation facilities available for the movement of petroleum to the Eastern Seaboard area has caused the supplies of petroleum and petroleum products in that area to fall below a normal and safe level. In order to alleviate this shortage and to increase supplies of petroleum needed for military and essential industrial and civilian requirements, it is imperative that all steps be taken which will result in the most efficient utilization and operation of available transportation facilities and in the efficient and equitable distribution of petroleum supplies in the eastern area.

Now, therefore, in order to bring about that action required by the President's letter of May 28, 1941, defining the objectives and duties of the Petroleum Coordinator for War, I do hereby direct that:

Sec.

1510.27 Definitions.

1510.28 Petroleum supply program.

1510.29 Supply and distribution program for District One.

1510.30 Use of transportation facilities.

1510.31 Minimum specifications.

1510.32 Surveys and investigations.

1510.33 Administration.

1510.34 Effectuation of schedules.

1510.35 Appeals.

AUTHORITY: §§ 1510.27 to 1510.35, inclusive, issued under the President's letter of May 28, 1941, to the Secretary of the Interior, 6 F. R. 2760.

§ 1510.27 *Definitions* (a) "Principal petroleum product" means any motor fuel (other than war products as may now or hereafter be specified by the Director of Refining), kerosene (including range oil and stove oil), distillate fuel oil (including gas oils), or residual fuel oil.

(b) "Primary supplier" means any person who, at the date hereof and during the calendar year 1941, produced or manufactured any principal petroleum product or products in District One or imported from any point outside District One any petroleum or principal petroleum products into District One (including C.I.F. buyers). In the event a person is engaged in business, part of which is included in the definition of a "secondary supplier," then he shall be considered as a primary supplier only as to that portion of his business coming within this definition, and he shall be considered a secondary supplier as to that portion of his business coming within such definition.

(c) "Secondary supplier" means any person who regularly received principal

petroleum products from any primary supplier or other secondary supplier for redelivery to others: *Provided, however,* That the term shall not include a service station, peddler, or other retail outlet, or a transporter of petroleum or principal petroleum products to the extent that he is engaged merely in such transportation for others.

(d) "Person" means any individual, partnership, association, business trust, corporation, governmental corporations or agencies, or any organized group of persons, whether incorporated or not.

§ 1510.28 *Petroleum supply program.* The Director of Petroleum Supply, Office of Petroleum Coordinator for War, shall prepare and forward to the General Committees of Districts One, Two, and Three, statements showing the petroleum supply forecasts for Districts One, Two, and Three, the quantities of crude petroleum required for refining within each district and for movement between districts, the quantities of the principal petroleum products to be manufactured within each district, and the specific inter-district movements. The appropriate committee or subcommittee in Districts Two and Three, as designated by the General Committees for Districts Two and Three, shall prepare and submit in quadruplicate to the said Director, on or before the 20th day of each calendar month, a suggested monthly schedule for the succeeding month showing the points of origin of the supplies available for shipment from Districts Two and Three which will permit maximum efficient use of transportation facilities. These schedules shall give the name of the suppliers, the quantity available at each point of origin, a general description of the quality, including, in case of heavy fuel oil, sulphur content, of the products available for shipment, and such other information as may from time to time be specified by the Director of Petroleum Supply. Such committees or subcommittees shall, subject to the direction of the Director of Petroleum Supply of the Office of Petroleum Coordinator for War or such District Director as he may designate, arrange for purchases, sales, exchanges, or loans of the principal petroleum products and for the common use of facilities among those engaged in the petroleum industry in the area over which such committee has jurisdiction so as to provide, so far as possible, for the concentration of supplies of principal petroleum products at points which will permit the maximum efficient use of available transportation facilities. The Director of Refining, Office of Petroleum Coordinator for War, shall furnish to the Director of Petroleum Supply, on or before the 20th day of each month, a suggested monthly schedule for the succeeding month assigning among the several refineries in District One the crude petroleum to be shipped into District One and showing the monthly quantity and the quality of the principal petroleum products to be manufactured at each re-

finery in District One during such month. On or before the 20th day of each calendar month, copies of all suggested schedules provided for in this section, effective for the following calendar month, shall be forwarded to the appropriate committees or subcommittees and to the Persons named therein.

§ 1510.29 *Supply and distribution program for District One.* The Subcommittee of Supplies and Distribution for District One, subject to the supervision of the General Committee for District One, shall prepare and submit in quadruplicate to the Director of Petroleum Supply:

(a) A suggested schedule showing the sales position of each primary supplier in each of the six zones described in Exhibit A hereof and for all of District One for each of the principal petroleum products. The determination shall be based on sales made during the calendar year 1941, and shall be expressed as a percentage of the total sales of each of such products made by all primary suppliers in the same areas and for the same period. In order to avoid duplication in the determination of the sales position of any person, sales and deliveries made by one primary supplier to another primary supplier shall be included as sales of the receiving supplier and deducted from the sales made by the delivering supplier. In order to reflect true zone sales positions in the preparation of such schedules, adjustments shall be made for sales made in one zone for shipment to another zone and for any discontinuance of business; in whole or in part, in any zone since January 1, 1942. Upon the issuance of any such schedule in accordance with § 1510.34, copies thereof shall be forwarded to each primary supplier in District One and to the General and Transportation Committees for District One.

(b) A suggested schedule of terminal and storage facilities, which are so equipped as to receive any principal petroleum product or products in the most efficient manner and so located as to permit an efficient use of transportation equipment and to permit their use for redistribution either directly to customers or to bulk plants. With respect to each such terminal or storage facility, such schedules shall show the location, name of railroad on which located, storage capacity for each principal petroleum product, the daily loading and unloading capacity for each method of transportation, the area to be served thereby, and the primary suppliers operating in such area. Upon issuance of such schedules in accordance with § 1510.34, the terminals and storage facilities specified therein shall be used for principal petroleum products imported into the area served by such terminal or storage facility in accordance with issued schedules. Each person using such facilities may distribute directly therefrom to his customers or may move the products directly to his own bulk plant, unless the Director of Transportation of the Office of Petroleum Coordinator for War or such District Director as he may designate finds that such action interferes with the operation of the terminal or storage facilities or will result in an

inefficient use of transportation equipment available for importing petroleum products into District One. For the purpose of this directive, refineries receiving crude oil shall be deemed principal petroleum products terminals with respect to the principal petroleum products produced at such refineries.

(c) Suggested monthly schedules showing the sources of the principal petroleum products as designated pursuant to § 1510.28, for shipment to each terminal or storage facility in each zone, selected under § 1510.29 (b) and assigning to primary suppliers of each zone the duty of importing such products from such sources to such terminals or storage facilities. The amounts so assigned to any primary supplier for importation into District One shall, so far as is practicable, be approximately equivalent to the sales position of such primary supplier as determined pursuant to § 1510.29 (a) hereof. Principal petroleum products to be produced from crude oil imported into District One shall be deemed, for the purposes of this directive, to be products imported into District One by the importer of such crude oil. These schedules shall be so prepared as to cause the accumulation and through routing of trainload lots (unless an exception is granted by the Director of Transportation, Office of Petroleum Coordinator for War, or such District Director or Directors as he may designate), the efficient use of transportation facilities, and the importation into each zone of District One of the amounts of principal petroleum products determined by the Director of Petroleum Supply of the Office of Petroleum Coordinator for War to be required to meet the requirements of each zone for such month. In determining such requirements the said Director shall give due consideration to current requirements of consumers in the zone as restricted by any applicable rationing or limitation order and to deliveries required to build up stocks to meet future seasonal requirements or to build up stocks at those points supplied by transportation which may be affected by weather conditions or other transportation difficulties. In specifying destinations and making assignments hereunder, arrangements shall be made so as to avoid, so far as practicable, (1) shipment by tank car of any principal petroleum product into refining areas or into areas served by pipeline, barge, and tanker terminals except where the total principal petroleum products available to such area are insufficient to meet the requirements thereof; and (2) shipments out of such areas of any principal petroleum products except to the extent that there is an excess of production and receipts of such principal petroleum products within such area over the requirements of such area. Upon the issuance of such schedules in accordance with § 1510.34, copies thereof shall be forwarded to each primary supplier and each such supplier shall thereupon immediately arrange for the placing of orders with refiners in Districts Two and Three for movement of such products in accordance with such schedules and with the terms of this directive. Notices of

all orders placed under this section and all other orders contemplating the shipment of crude petroleum or principal petroleum products into District One made by any person, whether a primary supplier or not, shall be filed with the Subcommittee of Supplies and Distribution and the Transportation Committee in District One. The Subcommittee shall thereupon prepare a summary of such orders in relation to the obligations to be performed hereunder and forward three copies thereof to the Director in Charge, District One, Office of Petroleum Coordinator for War. Copies of all suggested schedules provided for in this section shall be forwarded to the appropriate committees and subcommittees and to persons named therein prior to issuance.

Subject to the direction of the District Director of Marketing, District One, Office of Petroleum Coordinator for War, the Subcommittee shall arrange for purchases, sales, exchanges, and loans of the principal petroleum products among the primary suppliers so as to provide each such primary supplier with a proportionate part of each of the principal petroleum products available for distribution in each zone on the basis of the sales position of each such primary supplier as determined under § 1510.29 (a) hereof. The terms and conditions of any sale, loan, or exchange to be made pursuant to this section shall be negotiated between the individual parties to any such transaction: *Provided, however*, That no price agreed upon shall exceed the applicable ceiling price established by General Maximum Price Regulation, as amended or supplemented, or other order of the Price Administrator, and, *Provided further*, That if the individual parties to any such transaction required by this directive are unable to agree upon a fair and reasonable cost or other terms and conditions for furnishing any of the petroleum or principal petroleum products required to be sold, exchanged, or loaned by this directive, any such dispute shall be referred to the Director of Petroleum Supply, Office of Petroleum Coordinator for War, for such action as he may direct.

§ 1510.30 *Use of transportation facilities.* (a) The Transportation Committee for District One shall prepare a weekly statement showing, for the preceding calendar week, the type of transportation facilities used, the names of the persons using such facilities, the volume and kind of crude oil or petroleum product delivered into each zone of District One by each person, and such other information as may be pertinent. Copies of such statement shall be filed in quadruplicate with the Director of Transportation, Office of Petroleum Coordinator for War, or such District Director or Directors as he may designate. The type of information to be contained in such weekly statement may be varied from time to time at the request of such Director. The Director of Transportation, Office of Petroleum Coordinator for War, or such District Director or Directors as he may designate shall, from time to time, direct that such adjustments be made among the primary suppliers in



District One of the use of transportation facilities available for transporting petroleum or petroleum products into District One as, in his opinion, are necessary to provide, in the order of statement (1) the moving of sufficient supplies for the maximum production of war products with minimum crude runs; (2) the moving of the additional crude petroleum and principal petroleum products assigned to each primary supplier in accordance with issued schedules described in § 1510.29 (c); (3) the most efficient use of such equipment. In making such adjustments consideration shall first be given to the quantity of crude petroleum and principal petroleum products to be received during the subsequent calendar month by each primary supplier by tanker, pipeline, barge, or any form of transportation other than tank car, and, so far as possible, any primary supplier's deficit of carrying capacity shall be made up by the assignment of tank cars.

(b) The Transportation Committee shall review currently the use of all transportation and terminal facilities available to District One to determine whether maximum efficient use (including the return of empty tank cars in trainload lots) is being attained and in that connection to make recommendations to the Director of Transportation, Office of Petroleum Coordinator for War, for any necessary action.

(c) The Director of Transportation, Office of Petroleum Coordinator for War, may, from time to time, where he finds such action is necessary in the public interests, arrange for the specific use of any transportation facility without regard to the provisions of any schedule issued in accordance with § 1510.34 hereof.

§ 1510.31 *Minimum specifications.* The Director of Refining of the Office of Petroleum Coordinator for War shall establish, from time to time, minimum specifications for each of the principal petroleum products. All principal petroleum products imported into or produced in District One shall meet these specifications and any person in District One shall accept products conforming to such minimum specifications for all deliveries required under this directive. There shall be no discrimination as to quality of products between primary suppliers using any single terminal or storage facility.

§ 1510.32 *Surveys and investigations.* The several committees and subcommittees designated in §§ 1510.28 to 1510.30, inclusive, shall make such surveys and investigations and shall obtain and analyze such facts, figures, and other data as may be necessary or appropriate in connection with the performance of the functions and duties with which such committees and subcommittees are charged: *Provided*, That wherever available, such facts, figures, and other data shall be obtained from other appropriate committees or subcommittees rather than by new surveys or investigations.

§ 1510.33 *Administration.* In carrying out the duties, responsibilities, and functions under this directive, the committees and subcommittees mentioned

and persons directly affected shall hold meetings and shall consult with other committees and subcommittees to the extent that proposals or activities hereunder may affect such other committees and subcommittees and to this end all such persons, committees, and subcommittees shall supply the committees or subcommittees charged with the responsibility of carrying any part of this directive into effect with such information, material, and assistance as may be necessary and desirable to accomplish the purposes and intent of this directive. Such committees and subcommittees shall maintain such staff and appoint such persons as may be necessary to carry out their responsibilities, duties, and functions under this directive. Operating expenses of such committees and subcommittees shall be met as provided in § 1500.7 (j) of this chapter.

§ 1510.34 *Effectuation of schedules.* All suggested schedules required to be submitted hereunder shall, after such modification or revision as the Director to whom submitted shall determine to be necessary to accomplish the objectives of this directive, be transmitted to the Chief Counsel of the Office of Petroleum Coordinator for War. No schedule provided for by §§ 1510.28 to 1510.30, inclusive, shall become effective until it has been approved by the Chief Counsel of the Office of Petroleum Coordinator for War and issued by the Petroleum Coordinator for War or the Deputy Petroleum Coordinator. Upon the approval of any such schedule by the Chief Counsel and the issuance of such schedule by the Petroleum Coordinator for War or the Deputy Petroleum Coordinator, all committees, subcommittees and Persons, natural or artificial, who may be affected by such schedule, shall carry into effect such schedule according to its terms, conditions, and intent. Should any person refuse to comply with the provisions of this directive or of any issued schedule, this fact shall be immediately reported by the appropriate committee to the Director in Charge of the District Office of the Office of Petroleum Coordinator for War in whose District the refusal or failure to comply occurred.

§ 1510.35 *Appeals.* Any person, natural or artificial, affected by this directive or by any schedule provided for hereunder, who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, may appeal to the District Director in Charge of the District Office of Petroleum Coordinator for War for the District in which the action complained of would be performed, setting forth the pertinent facts and the reasons why he considers himself entitled to relief, who shall act promptly upon such appeal and render a decision thereon within a period of 15 days. If dissatisfied with the decision of the District Director in Charge, such person may appeal within 15 days after receipt of notice of the District Director's decision to the Deputy Petroleum Coordinator for War or such representative as he may designate.

HAROLD L. ICKES,  
Petroleum Coordinator for War.

SEPTEMBER 25, 1942.

#### EXHIBIT A

The six zones of District One are as follows:  
Zone 1: The States of Maine, Vermont, New Hampshire, Massachusetts, Connecticut, and Rhode Island.

Zone 2: The entire eastern part of the State of New York up to and including the Counties of Cayuga, Tompkins, and Chemung; the entire eastern part of the State of Pennsylvania up to and including the Counties of Bradford, Sullivan, Columbia, Montour, Northumberland, Dauphin, and York; and the States of New Jersey and Delaware.

Zone 3: The States of Maryland and Virginia and the District of Columbia.

Zone 4: The States of North Carolina and South Carolina.

Zone 5: The States of Georgia and Florida.

Zone 6: That part of the States of New York and Pennsylvania not included in Zone 2, and the State of West Virginia.

[F. R. Doc. 42-9673; Filed, September 23, 1942; 11:04 a. m.]

### TITLE 46—SHIPPING

#### Chapter IV—War Shipping Administration

##### PART 304—LAEOR

[General Order 5\* as Amended]

#### PACIFIC COAST MARITIME INDUSTRY BOARD

Whereas, by Executive Order 9054, dated February 7, 1942, the President established the War Shipping Administration in order to assure the most effective utilization of the shipping of the United States for the successful prosecution of the war; and

Whereas it is essential in order to achieve the objectives of the said Executive Order that the loading and discharging of vessels proceed with the maximum possible degree of efficiency.

Now, therefore, by virtue of the power vested in me by the aforesaid Executive Order,

It is hereby ordered, That General Order No. 5 be amended by striking out §§ 304.1 to 304.7 inclusive and substituting in lieu thereof the following:

§ 304.1 *Creation of Pacific Coast Maritime Industry Board.* There is hereby created a Pacific Coast Maritime Industry Board (hereinafter referred to as the Board) as an agency of and within the War Shipping Administration.

§ 304.2 *Membership of the Board.* The Board shall consist of five members: a chairman, (and a vice-chairman to act in his absence), two representatives of the owners, operators, or agents on the Pacific Coast, and two representatives of the longshore unions on the Pacific Coast.

(a) The Chairman shall be appointed by the Administrator.

(b) The representatives of the employers and the unions shall be appointed by the Administrator. He may also designate two employer alternates and four union alternates. The four union alternates shall be divided equally by the A. F. of L. and C. I. O. unions. In matters arising in ports in which the A. F. of L. unions represent the stevedores for collective bargaining purposes, the two A. F. of L. alternates shall, at the request of the chairman, serve on the Board as

\*7 F.R. 6573.

the union representatives. The Administrator may at any time revoke such employment or designation as representative or alternate and make a new appointment or designation.

(c) The vice-chairman shall be selected by the chairman with the approval of the Administrator, and will act as chairman in the absence of the chairman and shall have full power granted to the chairman.

§ 304.3 *Delegation of power.* Subject to such directives as may be issued and such policies as may be determined by the Administrator, the Board shall have all the powers vested in the Administrator by Executive Order of the President, (No. 9054), dated February 7, 1942, to coordinate the efforts of the employer and employee groups on the Pacific Coast for the purpose of increasing efficiency in loading and discharging vessels in that area, including the power to make rules, and render decisions respecting the registration of longshoremen, dispatching rules and procedures, penalty rates applicable to specific commodities or situations, (provided the Board shall not establish new penalty rates), port practices, cases of violation of the Coast or other agreement involving disciplinary penalties, working rules, whether jointly approved by parties to the Coast or other agreement or resulting from unilateral action, matters affecting safety, size of slingloads, use of labor saving equipment, or any other matters affecting the efficiency of stevedoring operations on the Pacific Coast: *Provided, however, That the jurisdiction of the Board shall be limited to matters affecting the efficiency of stevedoring operations on the Pacific Coast.*

§ 304.4 *Collective bargaining agreements.* Subject only to the limitations of § 304.3 hereof, existing collective bargaining agreements shall continue in full force and effect, but the parties hereto shall comply in the determinations for increasing efficiency made pursuant to this order in furtherance of a successful prosecution of the war.

§ 304.5 *Surveys.* The Board shall from time to time conduct surveys and make inspections of the loading and discharging of vessels in Pacific Coast ports for the purpose of disclosing facts adversely affecting the efficiency of stevedoring operations. Copies of all such surveys and inspections shall be transmitted to the Administrator. The Board may require employers to file copies of all hatch logs with it in order to aid in determining the efficiency of operations and to serve as a guide in making surveys and inspections.

§ 304.6 *Rules and regulations.* The Board shall have power to promulgate rules and regulations appropriate for the performance of its duties.

§ 304.7 *Reports to Administrator.* The Board shall from time to time report to the Administrator on its activities here-

under and on the status of the efficiency of ship loading and discharging operations on the Pacific Coast, insofar as such operations are related to the prosecution of the war effort.

(E.O. 9054, 7 F.R. 837)

[SEAL]

E. S. LAND,  
Administrator.

SEPTEMBER 14, 1942.

[F. R. Doc. 42-9667; Filed, September 29, 1942;  
8:56 a. m.]

## TITLE 49—TRANSPORTATION AND RAILROADS

### Chapter I—Interstate Commerce Commission

#### PART 182—COMMON AND CONTRACT CARRIERS OF PROPERTY

##### UNIFORM SYSTEM OF ACCOUNTS

NOTE: An order of the Interstate Commerce Commission prescribing amendments to the Uniform System of Accounts for Common Contract Carriers of Property dated September 21, 1942, effective October 1, 1942 was filed with the Division of the Federal Register September 28, 1942, at 11:02 a. m., F.R. Doc. No. 42-9626. Requests for copies may be addressed to the Interstate Commerce Commission.

### Notices

#### DEPARTMENT OF AGRICULTURE.

##### Office of the Secretary.

#### ADMINISTRATION OF HOMESTEAD PROJECTS IN VIRGIN ISLANDS

##### AMENDMENT OF MEMORANDUM

Memorandum amending Secretary's memorandum dated May 12, 1942, vesting in the Farm Security Administration the administration of Homestead Projects in the Virgin Islands.

Secretary's Memorandum dated May 12, 1942, vesting in the Farm Security Administration the administration of Homestead Projects in the Virgin Islands, is amended by adding to paragraph 2 thereof the following sentence:

The Administrator shall also execute all contracts, deeds and other instruments necessary to such administration.

Done at Washington, D. C. this 29th day of September 1942. Witness my hand and the seal of the Department of Agriculture.

[SEAL]

GROVER B. HILL,  
Acting Secretary of Agriculture.

[F. R. Doc. 42-9674; Filed, September 29, 1942;  
11:02 a. m.]

\*7 F.R. 3563.

#### FEDERAL POWER COMMISSION.

[Docket No. IT-5804]

#### PENNSYLVANIA ELECTRIC COMPANY

##### NOTICE OF APPLICATION

SEPTEMBER 25, 1942.

Notice is hereby given that on September 24, 1942, an application was filed with the Federal Power Commission, pursuant to section 203 of the Federal Power Act by Pennsylvania Electric Company, a Corporation organized under the laws of the Commonwealth of Pennsylvania and doing business in said State, with its principal office at Johnstown, Pennsylvania, seeking an order authorizing it to acquire all the utility assets and facilities of Bradford Electric Company, a Corporation organized under the laws of the Commonwealth of Pennsylvania and doing business in said State with its principal office at Bradford, Pennsylvania for a consideration stated in the application to be the surrender for cancellation of all of the outstanding stock of the seller. At the present time the purchaser does not own the outstanding stock of the seller but proposes to acquire it from NY PA NJ Utilities Company, the present owner, in exchange for \$1,731,500.00 principal amount of NY PA NJ Utilities Company 5% Debentures Due 1952 and \$28,500.00 of The Mohawk Valley Company 6% Consolidated Refunding Bonds Due 1981. The purchaser further proposes to acquire the debt securities above mentioned which will be delivered to NY PA NJ Utilities Company in the following manner:

(a) \$856,000.00 principal amount of NY PA NJ Utilities Company 5% Debentures Due 1952 will be acquired by the purchaser through the acquisition by it of the franchises and all of the property of Keystone Public Service Company (Notice of Application published June 16, 1942, 7 F.R. 4505).

(b) \$875,500.00 principal amount of NY PA NJ Utilities Company 5% Debentures Due 1952 and \$28,500.00 principal amount of The Mohawk Valley Company 6% Consolidated Refunding Bonds Due 1981 will be acquired by the purchaser from Associated Electric Company, the holder of all of the presently outstanding Common Stock of said purchaser, in consideration of the issuance and delivery by it to Associated Electric Company of 38,562 shares of its Common Stock having a par value of \$20.00 per share; all as more fully appears in the application on file with the Commission.

Any person desiring to be heard or to make any protest in reference to said application should, on or before the 14th day of October 1942, file with the Federal Power Commission a petition or protest in accordance with the Commission's Rules of Practice and Regulations.

[SEAL]

LEON M. FUQUAY,  
Secretary.

[F. R. Doc. 42-9668; Filed, September 29, 1942;  
11:02 a. m.]

## FEDERAL TRADE COMMISSION.

[Docket No. 4572]

## MANHATTAN BREWING COMPANY

ORDER APPOINTING TRIAL EXAMINER AND  
FIXING TIME AND PLACE FOR TAKING  
TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 28th day of September, A. D. 1942.

This matter having been reopened under date of August 17, 1942, and being ready for the taking of further testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., section 41),

It is ordered, That John L. Hornor, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Wednesday, October 7, 1942, at ten o'clock in the forenoon of that day (Central Standard Time), in the Sherman Hotel, Chicago, Illinois.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By the Commission:

[SEAL] OTIS B. JOHNSON,  
Secretary.

[F. R. Doc. 42-9672; Filed, September 29, 1942;  
10:59 a. m.]

## NATIONAL HOUSING AGENCY.

## Federal Housing Administration.

CALL FOR PARTIAL REDEMPTION, BEFORE  
MATURITY, OF 2¾ PERCENT MUTUAL  
MORTGAGE INSURANCE FUND DEBENTURES,  
SERIES B

SEPTEMBER 22, 1942.

To holders of 2¾ percent Mutual Mortgage Insurance Fund debentures, Series B:

Pursuant to the authority conferred by the National Housing Act (48 Stat. 1246; U.S.C., title 12, sec. 1701 et seq.) as amended, public notice is hereby given that 2¾ percent Mutual Mortgage Insurance Fund debentures, Series B, of the denomination and serial numbers designated below, are hereby called for redemption, at par and accrued interest, on January 1, 1943, on which date interest on such debentures shall cease:

Denomination:	Serial Nos. (All numbers inclusive)
\$50	1,343 to 1,456
\$100	4,787 to 5,259
\$500	1,593 to 1,705
\$1,000	5,923 to 6,469
\$5,000	412 to 452
\$10,000	45 to 46

The debentures first issued, as determined by the serial numbers, were se-

No. 192—6

lected for redemption by the Commissioner, Federal Housing Administration, with the approval of the Secretary of the Treasury.

No transfers or denominational exchanges in debentures covered by the foregoing call will be made on the books maintained by the Treasury Department on or after October 1, 1942. This does not affect the right of the holder of a debenture to sell and assign the debenture on or after October 1, 1942, and provision will be made for the payment of final interest due January 1, 1943, with the principal thereof to the actual owner, as shown by the assignments thereon.

The Commissioner of the Federal Housing Administration hereby offers to purchase any debentures included in this call at any time from October 1 to December 31, 1942, inclusive, at par and accrued interest, to date of purchase.

Instructions for the presentation and surrender of debentures for redemption on or after January 1, 1943, or for purchase prior to that date will be given by the Secretary of the Treasury.

ABNER H. FERGUSON,  
Commissioner.

Approved: September 26, 1942.

D. W. BELL,  
Acting Secretary of the Treasury.  
[F. R. Doc. 42-9662, Filed, September 23, 1942;  
2:55 p. m.]

## OFFICE OF ALIEN PROPERTY CUSTODIAN.

[Vesting Order 143]

RAILROAD EQUIPMENT OWNED BY ITALIAN  
STATE HIGHWAYS

Under the authority of the Trading with the enemy Act, as amended, and Executive Order No. 9095,<sup>1</sup> as amended, and pursuant to law, the undersigned, after investigation, finding that the property described as follows:

Items of railroad equipment owned by Italian State Railways, which is a governmental agency administered by the Ministry of Communications of the Kingdom of Italy, now stored at Fearnly, New Jersey, in an enclosed storage building known as "Meadows Planing Mill" belonging to Pennsylvania Railroad, and consisting of:

One 3-car articulated train.  
Two small electric passenger cars.  
One Diesel powered passenger car.  
One refrigerator car.  
One highway truck.  
One ship cradle, and miscellaneous parts.  
9,000 pounds of catenary poles.  
100 porcelain insulators.  
1,100 pounds of copper wire.

is property within the United States owned by a designated enemy country (Italy), and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, hereby vests such property in the Alien Property Custodian, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

<sup>1</sup>E.O. 9095 appears at 7 F.R. 1971.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on September 8, 1942.

LEO T. CROWLEY,  
Alien Property Custodian.

[F. R. Doc. 42-9678; Filed, September 23, 1942;  
11:21 a. m.]

[Vesting Order 144]

## AMEROP TRAVEL SERVICE, INC.

Under the authority of the Trading with the enemy Act, as amended, and Executive Order No. 9095,<sup>1</sup> as amended, and pursuant to law, the undersigned, after investigation, finding that the property described as follows:

All of the capital stock of Amerop Travel Service, Inc., a New York corporation, which is a business enterprise within the United States, consisting of 100 shares of no par value common stock, which shares are registered in the name of Mitteleuropaisches Reisebureau, G. m. b. H., whose last known address was represented to the undersigned as being Berlin, Germany.

is property of, and represents ownership of said business enterprise which is, a national of a designated enemy country (Germany), and determining that to the extent that either or both of such nationals are persons not within a designated enemy country such persons are controlled by or acting for or on behalf of or as cloaks for a designated enemy country (Germany) or a person within such country, and the national interest of the United States requires that such persons be treated as nationals of such designated enemy country, and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, hereby vests such property in the Alien Property Custodian, to be held, used, administered, liquidated, sold or otherwise

dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C. on September 8, 1942.

LEO T. CROWLEY,  
*Alien Property Custodian.*

[F. R. Doc. 42-9679; Filed, September 29, 1942; 11:21 a. m.]

[Vesting Order 155]

**CERTAIN SECURITIES OF A. J. STERN & CIE.**

Under the authority of the Trading with the enemy Act, as amended, and Executive Order No. 9095,<sup>1</sup> as amended, and pursuant to law, the undersigned, after investigation, finding that the property described as follows:

Those certain securities listed and described in Exhibit A attached hereto and made a part hereof,

is property which is payable or deliverable to, or claimed by, A. J. Stern & Cie., en liquidation, which is a French corporation having its place of business in Paris, France, and determining that to any extent that such French corporation is a person not within a designated enemy country it is controlled by or acting for or on behalf of or as a cloak for a designated enemy country (Germany) or a person within such country, and the national interest of the United States requires that it be treated as a national of such designated enemy country (Germany), and therefore determining that it is a national of such designated enemy country (Germany), and finding that such property is the subject of litigation pending in the Supreme Court of the State of New York, in and for the County of New York, in that certain action en-

titled Maurice Stern, Plaintiff, against Maurice Newton, et al., Defendants, and A. J. Stern & Cie., en liquidation, Defendant Impleaded, in which action an order was made by Hon. John F. Carew, Justice, at a Special Term, Part I thereof, of such Court held in the City of New York on May 18, 1942, which order was duly entered and filed on May 19, 1942 in the New York County Clerk's Office, (a) directing that such property be retained by the original defendants in such action (who then had and still have possession thereof) to the credit of said action until final judgment therein, to be disposed of in accordance with such final judgment (which has not yet been ordered or entered in said action), and (b) discharging such original defendants, and each of them, from any and all liability to any of the parties to such action, except their liability to comply with the orders of said court as to the holding and disposition of such property, as a result of which order such property has been since the date thereof and still is in custodia legis, and said action has evolved into an action against such property and no longer against the parties defendant, and determining that under such factual circumstances such property is encompassed within the purview of Section 2 (f) of Executive Order No. 9095, as amended, and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, hereby vests such property in

the Alien Property Custodian, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on September 19, 1942.

LEO T. CROWLEY,  
*Alien Property Custodian.*

**EXHIBIT A**

<i>Number of shares and Corporations</i>	<i>Certificate numbers</i>
1,734, General Aniline & Film Corporation.....	A 452 to A 468, inclusive, for 100 shares each; and AO 1332 for 34 shares; of common stock.
400, General Electric Co.....	NYC 836001, NYC 836002, NYC 728213 and NYC 569798, for 100 shares each.
600, Kennecott Copper Corp.....	c 400655 to c 400660, inclusive, for 100 shares each.
400, Minneapolis, St. Paul & Sault Ste. Marie Ry. Co....	17920 to 17923, inclusive, for 100 shares each of common stock.
500, U. S. Steel Corp.....	N 107433 to N 107437, inclusive, for 100 shares each of common stock.
500, Pennsylvania Railroad Co.....	N 995109 to N 995113, inclusive, for 100 shares each.
4,549, Canadian Pacific Railway Co.....	Ordinary stock.
77, International Nickel Co. of Canada, Ltd.....	Common stock.
2, Standard Oil Co. of New Jersey.....	
624, Standard Oil Co. of California.....	

[F. R. Doc. 42-9680; Filed, September 29, 1942; 11:21 a. m.]

**OFFICE OF PRICE ADMINISTRATION.**

[Administrative Order 29]

**DELEGATION OF THE AUTHORITY TO ADMINISTER OATHS AND AFFIRMATIONS**

Pursuant to the authority conferred upon the Price Administrator by the Emergency Price Control Act of 1942, the following order is prescribed:

(a) *Delegation of authority to administer oaths and affirmations.* All persons duly appointed as attorneys in any professional classification of the Office of Price Administration are hereby author-

ized to exercise the power conferred upon the Price Administrator to administer oaths and affirmations, whenever the Emergency Price Control Act or any regulation or order, pursuant thereto, requires a statement to be sworn to or affirmed.

Issued and effective this 28th day of September 1942.

LEON HENDERSON,  
*Administrator.*

[F. R. Doc. 42-9653; Filed, September 28, 1942; 1:17 p. m.]

<sup>1</sup>E.O. 9095 appears at 7 F.R. 1971.

[Amendment 1 to Order 5 Under Maximum Price Regulation 122—Solid Fuels Delivered From Facilities Other Than Producing Facilities—Dealers—Dockets 3122-13, 3122-28]

T. A. D. JONES AND CO., INC.

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to authority vested in the Administrator by the Emergency Price Control Act of 1942 and Procedural Regulation No. 1,<sup>2</sup> It is ordered, That in Order No. 5 paragraphs (a) (1) and (a) (2) are amended; a new subdivision (vii) is added to paragraph (b) (2) preceding the proviso therein and new paragraphs (g) and (h) are added to read as set forth below:

(a) (1) On and after May 18, 1942, Wyatt, Incorporated may sell and deliver, to industrial consumers, the kinds, sizes and qualities of bituminous coal specified in paragraph (b) (1) below, at prices not in excess of those stated therein. Industrial consumers may buy and receive, agree, offer, solicit, and attempt to buy and receive, such kinds, sizes and qualities of bituminous coal at such prices from Wyatt, Incorporated.

(2) On and after May 18, 1942, T. A. D. Jones and Company, Inc., may sell and deliver, and agree, offer, solicit, and attempt to sell and deliver, to industrial consumers, the kinds, sizes and qualities of bituminous coal specified in paragraph (b) (2), at prices not in excess of those stated therein. Industrial consumers may buy and receive, agree, offer, solicit, and attempt to buy and receive, such kinds, sizes, and qualities of bituminous coal at such prices from T. A. D. Jones and Company, Inc.

(b) \* \* \*

(2) \* \* \*

(vii) The maximum prices established by this paragraph are the applicable maximum prices for sales of other coals of a quality equal to that of the respective coals specified herein and of a type customarily substituted and proffered by any producer named herein in fulfillment of his contract obligations owed to T. A. D. Jones and Company, Inc., so accepted by the said T. A. D. Jones and Company, Inc. and received by industrial consumers purchasing from the said T. A. D. Jones and Company, Inc. \* \* \*

(g) This Amendment No. 1 to Order No. 5 may be revoked or amended by the Administrator at any time.

(h) Amendment No. 1 to Order No. 5 shall become effective this 30th day of September, 1942.

Issued this 29th day of September 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-9681; Filed, September 29, 1942; 11:34 a. m.]

<sup>1</sup> 7 F.R. 3239, 3666, 3856, 3940, 3941, 5024, 5587, 5835.

<sup>2</sup> 7 F.R. 971, 3663, 6967.

[Order 19 Under Maximum Price Regulation 122—Solid Fuels Delivered from Facilities Other Than Producing Facilities—Dealers—Docket 3122-22]

ELLIOT BROTHERS

#### ORDER GRANTING ADJUSTMENT

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to authority vested in the Administrator by the Emergency Price Control Act of 1942 and Procedural Regulation No. 1, It is ordered:

(a) Elliot Brothers, Georgetown, Massachusetts, may sell and deliver and any person may buy and receive the sizes of anthracite set forth in paragraph (b) below at prices not in excess of those stated therein:

(b) Maximum prices for sales of sizes egg, stove, nut, pea, buckwheat and rice (#2 buckwheat) of anthracite shall be the maximum prices for sales thereof determined as of May 18, 1942 in accordance with § 1340.261 of Maximum Price Regulation No. 122, plus not more than 50 cents per net ton:

Provided, That in the event of a decrease or decreases in the delivered costs to Elliott Brothers below: \$10.92 per net ton for egg, stove, and nut; \$9.42 per net ton for pea; \$7.92 per net ton for buckwheat or \$7.07 per net ton for rice (#2 buckwheat) size or sizes of anthracite, then the applicable maximum price or prices established by this Order No. 19 shall be reduced accordingly for sales or deliveries of such size or sizes of anthracite;

(c) This Order No. 19 may be revoked or amended by the Administrator at any time.

(d) Unless the context otherwise requires, the definitions set forth in § 1340.258 of Maximum Price Regulation No. 122 shall apply to terms used herein;

(e) This Order No. 19 shall become effective September 30, 1942.

Issued this 29th day of September 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-9682; Filed, September 29, 1942; 11:36 a. m.]

[Order 20 Under Maximum Price Regulation 122—Solid Fuels Delivered From Facilities Other Than Producing Facilities—Dealers—Docket 3122-208]

BOARD OF EDUCATION, CITY SCHOOL DISTRICT OF CLEVELAND, OHIO

#### ORDER GRANTING ADJUSTMENT

For the reasons set forth in an opinion filed simultaneously herewith, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, and in accordance with the Procedural Regulation No. 1 issued by the Office of Price Administration, it is hereby ordered:

(a) Solid fuel dealers in the city of Cleveland, Ohio, and suburbs adjoining thereto, who are subject to Maximum Price Regulation No. 122, may sell and deliver to the Board of Education of the City School District of Cleveland, Ohio, coal to be used in the Cleveland public schools during the 1942-43 heating season, and the Board of Education of the City School District of Cleveland, Ohio, may buy and receive from such dealers said coal at prices determined in accordance with paragraph (b) below: *Provided*, That all sales and deliveries made pursuant to this Order shall be subject to the conditions of paragraph (c) below.

(b) Said prices in said bids submitted pursuant to this Order shall not exceed the maximum prices chargeable by the bidder under Section 1340.261 of the Regulation to other classes of purchasers excepting household consumers; or if there were no other classes of purchaser who purchased the same size, kind and quality of solid fuel from the bidder, said prices in said bids shall not exceed the price paid by the Board of Education of the City School District of Cleveland, Ohio, for the same or similar kind of coal delivered to the same school during 1941-42 heating season plus any increased costs actually incurred by the dealer since August 15, 1941.

(c) All sales and deliveries at prices determined in accordance with paragraph (b) above shall be pursuant to publicly advertised requests for bids by the Board of Education of the City School District of Cleveland, Ohio. All bids in response to such requests shall contain a verified statement of, or be accompanied by an affidavit stating, (1) the applicable maximum prices heretofore chargeable by the bidder under the Regulation on sales to the Board of Education of the City School District of Cleveland, Ohio, (2) the nature of the class of purchaser whose applicable maximum price the bidder employed in making his bid pursuant to this Order; (3) if the bidder has no other class of purchaser than the Board of Education of the City School District of Cleveland, Ohio, each item of increased cost actually incurred by the dealer since August 15, 1941, the amount of increased cost of each such item, and the amount of increased cost of each such item allocated to the price quoted in the bid.

(d) This Order No. 20 may be revoked or amended by the Price Administrator at any time.

(e) Unless the context otherwise requires, the definitions set forth in § 1340.258 of Maximum Price Regulation No. 122 shall apply to the terms used herein.

(f) This Order No. 20 shall become effective September 30, 1942.

Issued this 29th day of September 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-8883; Filed, September 29, 1942; 11:35 a. m.]



[Order 1 Under Maximum Price Regulation 189—Bituminous Coal Sold for Direct Use as Bunker Fuel—Docket 3189-1]

**BAKER—WHITELEY COAL CO.**

**ORDER GRANTING ADJUSTABLE PRICING PERMISSION**

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to the authority vested in the Administrator by the Emergency Price Control Act of 1942 and Procedural Regulation No. 1, *It is ordered:*

(a) On and after May 18, 1942, Baker-Whiteley Coal Company, 510 Keyser Building, Baltimore, Maryland, may carry out agreements providing for the delivery of modified run-of-mine coals produced at the Eureka No. 35, No. 37, No. 40 and Maryland Shaft mines of the Berwind-White Company at prices not exceeding the applicable maximum prices and also providing for price adjustments in accordance with the disposition of this petition.

(b) This Order No. 1 may be revoked or amended by the Administrator at any time, and, in any event, it is be effective only to the date of final disposition of the petition.

(c) Unless the context otherwise requires, the definitions set forth in § 1340.308 of Maximum Price Regulation No. 189 shall apply to the terms used herein.

(d) This Order No. 1 shall become effective September 30, 1942.

Issued this 29th day of September, 1942.

LEON HENDERSON,  
*Administrator.*

[F. R. Doc. 42-9686; Filed, September 29, 1942; 11:36 a. m.]

[Order 2 Under Maximum Price Regulation 169—Beef and Veal Carcasses and Wholesale Cuts—Docket 3169-9]

**E. KAHN'S SONS COMPANY**

**ORDER GRANTING PETITION FOR ADJUSTMENT**

On July 16, 1942, E. Kahn's Sons Company, 3341 Spring Road, Cincinnati, Ohio filed a Petition for Adjustment or Exception pursuant to § 1364.60 of Maximum Price Regulation No. 169, requesting specific adjustment of its maximum prices established for sales of certain beef carcasses and wholesale cuts on the ground that such maximum prices caused substantial hardship and were abnormal in relationship to the maximum prices established for competitors for similar products. Due consideration has been given to the petition and an Opinion in support of this order has been issued simultaneously herewith.

For the reasons set forth in the opinion under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942 and in accordance with Procedural Regulation No. 1 issued by the Office of Price Administration, *It is hereby ordered:*

(a) The E. Kahn's Sons Company may sell and deliver, and agree, offer, solicit and attempt to sell and deliver beef carcasses and wholesale cuts of the grades hereinafter set forth and any person may buy and receive from the E. Kahn's Sons Company such beef carcasses and wholesale cuts at prices not in excess of those established as follows:

	<i>Cents per pound.</i>
Hindquarters of beef, choice grade.....	24
Hindquarters of beef, good grade.....	23
Carcasses of beef, choice grade.....	22

(b) All prayers of the petition not granted herein are denied.

(d) This Order No. 2 may be revoked or amended by the Price Administrator at any time. Unless the context otherwise requires the definitions set forth in § 1364.62 of Maximum Price Regulation No. 169 shall apply to the terms used herein.

(e) This Order No. 2 shall become effective September 30, 1942.

Issued this 29th day of September 1942.

LEON HENDERSON,  
*Administrator.*

[F. R. Doc. 42-9684; Filed, September 29, 1942; 11:35 a. m.]

[Order 3 Under § 1499.161 (a) of Maximum Price Regulation 188—Manufacturers' Maximum Prices for Specified Building Materials and Consumers' Goods Other Than Apparel]

**WESTERN SAND AND GRAVEL COMPANY**  
**DENIAL OF ADJUSTMENT**

For reasons set forth in the opinion filed simultaneously herewith and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, it is ordered:

(a) The petition for adjustment of the Western Sand and Gravel Company of Amarillo, Texas filed on July 10, 1942 hereby is denied.

(b) This Order No. 3 under § 1499.161 (a) of Maximum Price Regulation No. 188 shall become effective September 30, 1942.

Issued this 29th day of September 1942.

LEON HENDERSON,  
*Administrator.*

[F. R. Doc. 42-9685; Filed, September 29, 1942; 11:35 a. m.]

**WAR PRODUCTION BOARD.**

[Certificate No. 15]

**EXCHANGE OF INFORMATION REGARDING PROPERTIES OF PLASTIC MATERIALS**

THE ATTORNEY GENERAL: Pursuant to section 12 of Public Law No. 603, approved June 11, 1942, after consultation with you, I am requesting all manufacturers of plastics materials to collaborate in the exchange of technical information respecting the physical properties of plastics materials and the methods for testing those materials and in the further improvement and development of those materials and testing methods, upon the express condition and understanding that the information resulting from such collaboration will be available to all such manufacturers and the armed forces; and I hereby find and so certify to you that the doing of any act or thing, or the omission to do any act or thing, by any person in compliance with such request, is requisite to the prosecution of the war.

DONALD M. NELSON,  
*Chairman.*

SEPTEMBER 25, 1942.

[F. R. Doc. 42-9669; Filed, September 29, 1942; 11:01 a. m.]

[Certificate No. 16]

**APPROVAL OF DIRECTIVE OF PETROLEUM COORDINATOR FOR WAR**

THE ATTORNEY GENERAL: Pursuant to the provisions of section 12 of Public Law No. 603, approved June 11, 1942, I submit Petroleum Directive No. 59<sup>1</sup> of the Petroleum Coordinator for War.

I hereby approve said Directive for the purposes of section 12 of Public Law No. 603, approved June 11, 1942, and after consultation with you, I hereby find and so certify to you that the doing of any act or thing, or the omission to do any act or thing, by any person in compliance with such Directive, is requisite to the prosecution of the war.

DONALD M. NELSON,  
*Chairman.*

SEPTEMBER 28, 1942.

[F. R. Doc. 42-9670; Filed, September 29, 1942; 11:01 a. m.]

<sup>1</sup> *Supra*, Title 32, Chapter XIII.